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**Supreme Court of the United States**

**OCTOBER TERM, 1963**

**No. 69**

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**LEVIN NOCK DAVIS, SECRETARY,  
STATE BOARD OF ELECTIONS, ET AL.,  
APPELLANTS,**

**vs.**

**HARRISON MANN, ET AL.**

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**APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA**

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**FILED FEBRUARY 7, 1963**

**PROBABLE JURISDICTION NOTED JUNE 10, 1963**

# SUPREME COURT OF THE UNITED STATES

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[fol. 1]

[File endorsement omitted]

1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

Civil Action No. 2604

HARRISON MANN, KATHRYN STONE, JOHN C. WEBB, JOHN  
A. K. DONOVAN, Plaintiffs,

vs.

1. LEVIN NOCK DAVIS, Secretary, State Board of Elections,  
Accomac, Virginia;
2. ALEXANDER M. HARMAN, JR., Member, State Board of  
Elections, Pulaski, Virginia;
3. ROBERT C. BAYLISS, Member, State Board of Elections,  
Richmond, Virginia;
4. ALBERTIS HARRISON, Governor of Virginia, Richmond,  
Virginia;
5. ROBERT Y. BUTTON, Attorney General of Virginia,  
Richmond, Virginia;
6. H. BRUCE GREEN, Clerk of the Circuit Court,  
Arlington, Virginia;
7. THOMAS P. CHAPMAN, JR., Clerk of the Circuit Court,  
Fairfax, Virginia;
8. DENMAN T. RUCKER, Arlington, Virginia;
9. MAYNARD CARLISLE, Arlington, Virginia;
10. RALPH KIMBLE, Arlington, Virginia, Members of  
Electoral Board, Arlington County, Virginia;
11. PAUL KINCHELOE, Burke, Virginia;
12. EBNER R. DUNCAN, Alexandria, Virginia;
13. JONES JASPER, Fairfax Station, Virginia, Members of  
Electoral Board, Fairfax County, Virginia, Defendants.

[fol. 2]

**VOTERS' COMPLAINT TO CORRECT MALAPPORTIONMENT OF THE  
GENERAL ASSEMBLY OF THE COMMONWEALTH OF VIRGINIA—  
Filed April 9, 1962**

**I**

This Court has original jurisdiction of this action pursuant to 28 U.S. Code Section 1343(3) and the plaintiffs have a right to bring this suit pursuant to the Civil Rights Act of the United States, 42 U. S. Code Sections 1983, 1988.

**II**

Under the provisions of 28 U. S. Code Sections 2281 and 2284 special provision is made for hearing causes of action involving restraining the enforcement, operation or execution of any state statute by restraining the action of any officer of such state, whenever said application is based on the unconstitutionality of such statute.

**III**

Plaintiffs and each of them are citizens of the United States and of the Commonwealth of Virginia and are registered and qualified voters in said Commonwealth and are entitled to vote for the members of the General Assembly of the Commonwealth of Virginia. In particular:

A. Plaintiffs, Harrison Mann and Kathryn Stone are residents of the County of Arlington;

B. Plaintiffs John C. Webb and John A. K. Donovan are residents of the County of Fairfax.

Plaintiffs jointly and severally bring this action on their own behalf and on behalf of all other voters similarly situated in the Commonwealth of Virginia.

[fol:3]

**IV**

The defendants and each of them are citizens of the United States and of the Commonwealth of Virginia and reside in said Commonwealth, and are sued in their representative capacities as hereinafter set forth.

A. Defendants Levin Nock Davis, Alexander M. Harman, Jr. and Robert C. Bayliss are Members of the State Board of Elections of the Commonwealth, the defendant Levin Nock Davis being secretary thereof. As such, said defendants are charged with supervising and coordinating the work of City and County Electoral Boards, making rules and regulations for the conduct of elections, preparing forms and records for the registration of voters and performing other duties in respect to elections.

B. Defendant Albertis Harrison is Governor and Chief Executive Officer of the Commonwealth, and under 28 U. S. Code Section 2284 must be notified of any action in a United States Court involving the enforcement of a state statute.

C. Defendant Robert Y. Button is Attorney General of the Commonwealth, and as such is charged with the duty of assisting attorneys for the Commonwealth of any jurisdiction in which election laws have been violated and of doing all things necessary to enforce the election laws. Under 28 U.S. Code Section 2284 said defendant, as Attorney General of the Commonwealth, must be notified of any action in a United States Court involving the enforcement of a state statute.

D. Defendant H. Bruce Green is Clerk of the Circuit Court of Arlington County and defendant Thomas P. Chapman, Jr. is Clerk of the Circuit Court of Fairfax County. They are sued as representatives of all of the County and City clerks of the Commonwealth, such persons constituting a class so numerous as to make it impracticable to bring [fol. 4] them all before the court. This action involves common questions of law and fact affecting the several rights of all of said clerks and a common relief is sought against them. The defendants H. Bruce Green and Thomas P. Chapman, Jr. and the other clerks of the Commonwealth are charged with the duty of making out certificates of election for the persons having the highest number of votes for any county or district office, including members of the General Assembly of the Commonwealth, and with the performance of other duties in connection with elections.

E. The defendants Denman T. Rucker, Maynard Carlisle and Ralph Kimble are the members of the Electoral Board of Arlington. The defendants Paul Kincheloe, Ebner L. Duncan and Jones Jasper are the members of the Electoral Board of Fairfax County. As such, said defendants are charged with the duty of the preparation of ballots and the conduct of elections in their respective counties, of canvassing the results thereof, and of other duties in connection therewith. They are sued as representatives of all of the members of county and city electoral boards in the Commonwealth, such persons constituting a class so numerous as to make it impracticable to bring them all before the Court. This action involves common questions of law and fact affecting the several rights of all of said clerks, and common relief is sought against them.

## V

Plaintiffs are now denied the equal protection of the laws guaranteed to them by the Fourteenth Amendment to the Constitution of the United States. Plaintiffs bring this action on their own behalf and on behalf of all of the registered and qualified votes of their respective Counties and Cities, and on behalf of all voters in Virginia who are similarly situated. Plaintiffs seek a declaration of their rights [fol. 5] and a declaration of the validity or invalidity of the acts and statutes of the Commonwealth which apportion the members of the House of Delegates and Senators among the counties and cities of Virginia. They further seek such injunctive relief as may be proper to assure them and all other voters of Virginia the free and equal franchise and the equal protection of the laws to which they are entitled under the Fourteenth Amendment to the Constitution of the United States and which rights are now being denied them by the defendants and their predecessors in office who have complied with certain unconstitutional statutes and private acts, as hereinafter more particularly set forth.

## VI

Sections 41 through 43 inclusive of the Constitution of Virginia provide that the legislative power of the Commonwealth shall be vested in a General Assembly which



# HOUSE OF DELEGATES

1960 - Population 3,966,949 - 1960 Census

Number of Delegates - 100

Average Population per Delegate 39,669

<u>Delegates</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Delegate</u>
(1)	Accomack	30,635	30,635
(1)	Accomack Northampton (See also Accomack)	30,635 <u>16,966</u> (Floater)	47,601
(1)	Albemarle Greene	30,969 <u>4,715</u>	35,684
(1)	Charlottesville	29,427	29,427
(1)	Alexandria	91,023	91,023
(1)	Alleghany Covington Clifton Forge	12,128 11,062 <u>5,268</u>	28,458
(1)	Amelia Powhatan Nottoway	7,815 6,747 <u>15,141</u>	29,703
(1)	Amherst Lynchburg (See also Lynchburg & Nelson)	22,953 <u>54,790</u> (Floater)	77,743
(3)	Arlington	163,401	54,467
(2)	Augusta Highland Staunton Waynesboro	37,363 3,221 22,232 <u>15,694</u> 78,510	39,255
(1)	Bedford	31,028	31,028
(1)	Bland Giles	5,982 <u>17,219</u>	23,201
(1)	Botetourt Craig	16,715 <u>3,356</u>	20,071
(1)	Brunswick Lunenburg	17,779 <u>12,523</u>	30,302
(1)	Buchanan	36,724	36,724
(1)	Buchanan Dickenson (See also Buchanan)	36,724 <u>20,211</u> (Floater)	56,935
(1)	Buckingham Appomattox Cumberland	10,877 9,148 <u>6,360</u>	26,385

[fol. 16]

EXHIBIT "B" TO COMPLAINT

shall consist of a Senate and House of Delegates; that the Senate shall consist of not more than forty and not less than thirty-three members who shall be elected quadrennially by the voters of the several senatorial districts; that the House of Delegates shall consist of not more than one hundred and not less than ninety members who shall be elected biennially by the voters of the several House districts; and that a reapportionment of the Commonwealth into Senatorial and House districts shall be made in the year 1932 and every ten years thereafter.

## VII

Pursuant to said provisions of the Constitution of Virginia, the General Assembly in 1932, 1942 and in 1952 did apportion the state into separate Senatorial and House districts. In 1958 the 1952 apportionment act was amended.

[fol. 6]

## VIII

By Section 24-14 of the Code of Virginia, enacted in 1952, as amended in 1958, the Commonwealth is divided into thirty-six Senatorial districts, whose respective locations, number of Senators and 1960 populations are shown in Exhibit "A" annexed.

By Section 24-12 of the Code of Virginia, the Commonwealth is divided into seventy-four House districts, whose respective locations, number of delegates and 1960 populations are shown in Exhibit "B" annexed.

## IX

The apportionments set forth in Exhibit "A" and "B" hereto annexed are the ones now effective in the Commonwealth of Virginia. In the biennial session of the General Assembly of Virginia held in January, February and March of this year the General Assembly purported to enact amendments to Sections 24-14 and 24-12 respectively of the Code of Virginia, reapportioning the Senate and House districts. A list of the Senatorial districts, as thus purportedly re-apportioned by the General Assembly with their respective locations, populations and number of

Senators is set forth in Exhibit "C"; and a list of the House districts as thus purportedly re-apportioned by the General Assembly with their respective locations, populations and number of delegates is set forth in Exhibit "D". Said acts of the General Assembly will purport to become effective on June 28, 1962.

## X

Plaintiffs aver that the aforementioned acts of the General Assembly embodied in Code Sections 24-14 and 24-12 respectively as existing in 1952, as amended in 1958 and [fol. 7] 1962, and as presently existing, have resulted and will continue to result in invidious discrimination against the plaintiffs and all other voters of the State Senatorial and House districts in which plaintiffs reside and against the voters of many other Senatorial and House districts in the Commonwealth.

## XI

Plaintiffs, as citizens of the United States and as citizens and registered and qualified voters of the Commonwealth of Virginia, possess an inherent right to vote for members of the General Assembly of the Commonwealth and to cast votes that are equally effective with the votes of every other citizen of said Commonwealth; but plaintiffs aver that by virtue of the invidious discrimination practiced by the General Assembly in the re-apportionment statutes hereinbefore referred to the votes of the plaintiffs are not as effective as the votes of voters residing in other Senatorial and House districts of the Commonwealth. As an instance of such invidious discrimination the voters of Fairfax County, the City of Falls Church and the City of Fairfax are permitted to elect under the 1958 Act of the General Assembly above referred to only one Delegate for every 142,597 persons residing in their House district according to the 1960 census, while the voters of Loudoun County, immediately adjacent thereto, are permitted to elect one Delegate for 24,549 people, according to the census of 1960. By the purported amendment of Section 24-12 of

EXHIBIT "B"  
(continued)  
HOUSE OF DELEGATES

<u>Delegates</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Delegate</u>
(1)	Campbell	32,958	32,958
(1)	Caroline King George Essex King & Queen	12,725 7,243 6,690 <u>5,889</u>	32,547
(1)	Carroll Floyd	23,178 <u>10,462</u>	33,640
(1)	Charles City James City New Kent York Williamsburg	5,492 11,539 4,504 21,583 <u>6,832</u>	49,950
(1)	Charlotte Prince Edward	13,368 <u>14,121</u>	27,489
(1)	Chesterfield Colonial Heights	71,197 <u>9,587</u>	80,784
(1)	Chesterfield Henrico Colonial Heights (See also Chesterfield, etc.)	71,197 117,339 <u>9,587</u>	198,123
(1)	Clarke Frederick Winchester	7,942 21,941 <u>15,110</u>	44,993
(1)	Danville	46,577	46,577
(1)	Hampton	89,258	89,258
(2)	Fairfax Falls Church	275,002 <u>10,192</u>	142,597
(1)	Fauquier Rappahannock	24,066 <u>5,368</u>	29,434
(1)	Fluvanna Goochland Louisa	7,227 9,206 <u>12,959</u>	29,392
(1)	Franklin	25,925	25,925
(1)	Gloucester Mathews Middlesex	11,919 7,121 <u>6,319</u>	25,359
(1)	Grayson Galax	17,390 <u>5,254</u>	22,644
(1)	Greensville Sussex	16,155 <u>12,411</u>	28,566
(1)	Halifax South Boston	33,637 <u>5,974</u>	39,611



the Code of Virginia, enacted by the General Assembly in 1962, the voters of Fairfax County, Falls Church and Fairfax City were given one additional Delegate in the General Assembly, but under said Act they still have only one Delegate for every 95,058 persons residing in their [fol. 8] district while the voters of Loudoun County have one Delegate for 24,549 persons, the voters of Shenandoah County have one Delegate for 21,825 persons, and the voters of Wythe County have one Delegate for 21,975 persons. By the purported amendment of Section 24-14 of the Code of Virginia enacted by the General Assembly in 1962, the voters of the City of Norfolk have one Senator for every 152,936 persons while the voters of 3 other Cities and 12 Counties in the Commonwealth have a Senator for every 67,000 persons or less. The population growth in the areas of the Commonwealth in which plaintiffs reside is much more rapid than the population growth in all other sections of the Commonwealth, and with each passing year the discrimination against the plaintiffs and other voters in such areas will become more acute and invidious. A table showing the "Index Values" of the right to vote for members of the General Assembly of Virginia, by Counties, from 1910 through 1960 is annexed as Exhibit "E".

## XII

Plaintiffs aver that when all of the many inequalities in the above mentioned re-apportionment statutes are considered together, they result in a distortion of the constitutional system as established, defined and guaranteed by the Fourteenth Amendment to the Constitution of the United States, and that this distortion prevents the General Assembly of Virginia from being a body representative of the people of the Commonwealth, and denies to plaintiffs the equal protection of the laws. Plaintiffs further aver that as a result thereof, a minority of the people of Virginia now control and will continue to control the General Assembly of the Commonwealth contrary to the Constitution of Virginia and the Constitution of the United States; [fol. 9] and that said representatives of a minority of the people of this Commonwealth by virtue of their control of the General Assembly have used and are using the same to

oppress the citizens of the areas in which plaintiffs reside and other citizens similarly situated by inequitable distribution to their areas of state revenue derived by taxation of all of the people and in numerous other ways.

### XIII

Plaintiffs aver that the constitutional requirements aforementioned can only be met by a re-distribution of State Senatorial and House districts among the counties and cities of the Commonwealth substantially in proportion to their respective populations, and that because of the fact that detailed population figures are now available under the 1960 census such re-distribution of Senatorial and House districts may now be effectively made.

### XIV

The regular biennial session of the General Assembly of Virginia which was held in January, February and March, 1962, has now adjourned, and under the Constitution of Virginia, unless the General Assembly is called into special session, it will not reconvene until January, 1964. In the meantime, there will be elections throughout the Commonwealth for members of the State Senate and House of Delegates, and unless the inequities herein complained of are corrected by this Court, the plaintiffs and all other voters similarly situated will be denied the equal protection of the laws in said elections. The defendants, unless prevented by this Court will perform their duties in the conduct of such elections in an unconstitutional manner.

[fol. 10] Wherefore, plaintiffs pray:

1. That this Court may take jurisdiction of this controversy.

2. That a special three-judge court be called and impanelled to hear and determine this action and to declare the rights of plaintiffs in the premises to be as follows:

- A. That the present apportionment of Senate and House districts in the Commonwealth of Virginia denies the plaintiffs and other voters of the Common-

wealth similarly situated the equal protection of the laws, in contravention of the Fourteenth Amendment of the Constitution of the United States.

B. That Sections 24-12 and 24-14 of the Code of Virginia, as now in force, are unconstitutional and void.

C. That the purported amendments to Sections 24-12 and 24-14 of the Code of Virginia adopted by the General Assembly of the Commonwealth in its biennial session held in the calendar year 1962 are likewise unconstitutional and void:

3. That upon final hearing of this action, the Court grant to the plaintiffs the following further relief:

A. That the defendants and each of them be permanently restrained and enjoined from furnishing forms for nominations, from receiving nominations or petitions therefor, from conducting and certifying elections, and from taking any and all other steps with respect to the election of members of the Senate and [fol. 11] House of Delegates of the Commonwealth of Virginia under and pursuant to Sections 24-14 and 24-12 of the Code of Virginia.

B. That defendants be directed to declare and hold the next primaries and general election for members of the Senate and House of Delegates of the Commonwealth on an "at large" basis throughout the entire Commonwealth.


4. That plaintiffs may have such further and alternative relief as the nature of this action may require and this Court may deem proper.

Edmund D. Campbell, Southern Building, Arlington, Virginia;

E. A. Prichard, 106 N. Payne Street, Fairfax, Virginia, Attorneys for Plaintiff.

[fol. 12] *Duly sworn to by Harrison Mann, jurat omitted in printing.*

EXHIBIT "A" TO COMPLAINT

(See opposite) 



# STATE SENATORIAL DISTRICTS

1960 - Population 3,966,949 - 1960 Census

Number of Senators - 40

Average Population per Senator 99,174

<u>Senators</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Senator</u>
(1)	Accomack Northampton Princess Anne Virginia Beach	30,635 16,966 76,124 <u>8,091</u>	131,816
(2)	Norfolk City	305,872	152,936
(1)	Norfolk County South Norfolk	51,612 <u>22,035</u>	73,647
(1)	Halifax South Boston Charlotte Prince Edward	33,637 5,974 13,368 <u>14,121</u>	67,100
(1)	Isle of Wight Nansemond Southampton Suffolk	17,164 31,366 27,195 <u>12,609</u>	88,334
(1)	Greensville Hopewell Prince George Surry Sussex	16,155 17,895 20,270 6,220 <u>12,411</u>	72,951
(1)	Brunswick Lunenburg Mecklenburg	17,779 12,523 <u>31,428</u>	61,730
(1)	Dinwiddie Nottoway Petersburg	22,183 15,141 <u>36,750</u>	74,074
(1)	Arlington	163,401	163,401
(1)	Portsmouth	114,773	114,773
(1)	Appomattox Buckingham Cumberland Powhatan Amherst Nelson Amelia	9,148 10,877 6,360 6,747 22,953 12,752 <u>7,815</u>	76,652
(1)	Campbell Lynchburg	32,958 <u>54,790</u>	87,748
(2)	Danville Henry Martinsville Patrick Pittsylvania	48,577 40,335 18,798 15,282 <u>58,296</u>	89,644

[fol. 13]

EXHIBIT "A" TO COMPLAINT

EXHIBIT "A"  
(continued)  
STATE SENATORIAL DISTRICTS

2

<u>Senators</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Senator</u>
(1)	Carroll Floyd Grayson Galax	23,178 10,462 17,390 <u>5,254</u>	56,284
(1)	Bristol Smyth Washington	17,144 31,066 <u>38,076</u>	86,286
(1)	Lee Scott	25,824 <u>25,813</u>	51,637
(1)	Dickenson Wise Norton	20,211 43,579 <u>4,996</u>	68,786
(1)	Buchanan Russell Tazewell	36,724 26,290 <u>44,791</u>	107,805
(1)	Bland Giles Pulaski Wythe	5,982 17,219 27,258 <u>21,975</u>	72,434
(1)	Alleghany Bedford Botetourt Buena Vista Clifton Forge Covington Craig Rockbridge	12,128 31,028 16,715 6,300 5,268 11,062 3,356 <u>24,039</u>	109,896
(1)	Franklin Montgomery Radford Roanoke County	25,925 32,923 9,371 <u>61,693</u>	129,912
(1)	Augusta Bath Highland Staunton Waynesboro	37,363 5,335 3,221 22,232 <u>15,694</u>	83,845
(1)	Harrisonburg Page Rappahannock Rockingham Warren	11,916 15,572 5,368 40,485 <u>14,655</u>	87,996
(1)	Clarke Frederick Shenandoah Winchester	7,942 21,941 21,825 <u>15,110</u>	66,818

[fol. 14]

EXHIBIT "A"  
(continued)  
STATE SENATORIAL DISTRICTS

<u>Senators</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Senator</u>
(1)	Albemarle Charlottesville Fluvanna Greene Madison	30,969 29,427 7,227 4,715 <u>8,187</u>	80,525
(1)	Fredericksburg Goochland Louisa Orange Spotsylvania	13,639 9,206 12,959 12,900 <u>13,819</u>	62,523
(1)	Culpeper Fauquier Loudoun	15,088 24,066 <u>24,549</u>	63,703
(1)	Fairfax Falls Church	275,002 <u>10,192</u>	285,194
(1)	King George Lancaster Northumberland Prince William Richmond County Stafford Westmoreland	7,243 9,174 10,185 50,164 6,375 16,876 <u>11,042</u>	111,059
(1)	Caroline Hanover King William Essex King and Queen Middlesex	12,725 27,550 7,563 6,690 5,889 <u>6,319</u>	66,736
(1)	Gloucester Mathews Portion of Newport News former City of Warwick York James City New Kent Williamsburg	11,919 7,121 113,662 21,583 11,539 4,504 <u>6,832</u>	63,498
(1)	Hampton Portion Newport News former city of New- port News	89,258 <u>113,662</u>	202,920
(1)	Charles City Chesterfield Colonial Heights Henrico	5,492 71,197 9,587 <u>117,339</u>	203,615
(3)	Richmond City	219,958	73,319
(1)	Roanoke City	97,110	97,110
(1)	City of Alexandria	91,023	91,023

[fol. 15]



EXHIBIT "B"  
(continued)  
HOUSE OF DELEGATES

<u>Delegates</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Delegate</u>
(1)	Hanover King William	27,550 <u>7,563</u>	35,113
(1)	Henrico (See also Chesterfield, etc.)	117,339	117,339
(2)	Henry Patrick Martinsville	40,335 15,282 <u>18,798</u>	37,208
(1)	Isle of Wight Nansemond Suffolk (See also Nansemond)	17,164 31,366 <u>12,609</u> (Floater)	61,139
(1)	Northumberland Westmoreland Lancaster Richmond County	10,185 11,042 9,174 <u>6,375</u>	36,776
(3)	Consolidated City of Newport News	113,662	37,887
(1)	Lee	25,824	25,824
(1)	Loudoun	24,549	24,549
(1)	Lynchburg	54,790	54,790
(1)	Madison Culpeper Orange	8,187 15,088 <u>12,900</u>	36,175
(1)	Mecklenburg	31,428	31,428
(1)	Montgomery Radford	32,923 <u>9,371</u>	42,294
(1)	Nansemond Suffolk (See also Isle of Wight)	31,366 <u>12,609</u>	43,975
(1)	Nelson Amherst (See also Amherst)	12,752 <u>22,953</u>	35,705
(2)	Norfolk County South Norfolk	51,612 <u>22,035</u>	36,823
(6)	Norfolk City	305,872	50,978
(1)	Page Warren	15,572 <u>14,655</u>	30,227
(2)	Petersburg Dinwiddie	36,750 <u>22,183</u>	29,466

[fol. 18]

EXHIBIT "B"  
(continued)  
HOUSE OF DELEGATES

<u>Delegates</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Delegate</u>
(2)	Pittsylvania	58,296	29,148
(2)	Portsmouth	114,773	57,386
(1)	Prince George Surry Hopewell	20,270 6,220 <u>17,895</u>	44,385
(1)	Princess Anne Virginia Beach	76,124 <u>8,091</u>	84,215
(1)	Prince William Stafford	50,164 <u>16,876</u>	67,040
(1)	Pulaski	27,258	27,258
(7)	Richmond City	219,958	31,422
(1)	Roanoke County	61,693	61,693
(2)	Roanoke City	97,110	48,555
(1)	Rockbridge Bath Buena Vista	24,039 5,335 <u>6,300</u>	35,674
(2)	Rockingham Harrisonburg	40,485 <u>11,916</u>	26,200
(1)	Russell	26,290	26,290
(1)	Scott	25,813	25,813
(1)	Shenandoah	21,825	21,825
(1)	Smyth	31,066	31,066
(1)	Southampton	27,195	27,195
(1)	Spotsylvania Fredericksburg	13,819 <u>13,639</u>	27,458
(1)	Tazewell	44,791	44,791
(2)	Washington Bristol	38,076 <u>17,144</u>	27,610
(2)	Wise Norton	43,579 <u>4,996</u>	24,287
(1)	Wythe	21,975	21,975

[fol. 19]



# STATE SENATORIAL DISTRICTS - 1962 ACT

1960 - Population 3,966,949 - 1960 Census

Number of Senators - 40

Average Population per Senator 99,174

<u>Senators</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Senator</u>
(1)	Accomack	30,635	
	Northampton	16,966	
	Princess Anne	76,124	
	City of Virginia Beach	<u>8,091</u>	131,816
(2)	Norfolk City	305,872	152,936
(1)	Norfolk County	51,612	
	City of South Norfolk	<u>22,035</u>	73,647
(1)	Halifax	33,637	
	Charlotte	13,368	
	Prince Edward	14,121	
	City of South Boston	<u>5,974</u>	67,100
(1)	Isle of Wight	17,164	
	Nansemond	31,366	
	Southampton	19,931	
	City of Suffolk	12,609	
	City of Franklin	<u>7,264</u>	88,334
(1)	Greensville	16,155	
	Prince George	20,270	
	Surry	6,220	
	Sussex	12,411	
	Hopewell	<u>17,895</u>	72,951
(1)	Brunswick	17,779	
	Lunenburg	12,523	
	Mecklenburg	<u>31,428</u>	61,730
(1)	Dinwiddie	22,183	
	Nottoway	15,141	
	City of Petersburg	<u>36,750</u>	74,074
(1)	Arlington	163,401	163,401
(1)	City of Portsmouth	114,773	114,773
(1)	Appomattox	9,148	
	Buckingham	10,877	
	Cumberland	6,360	
	Powhatan	6,747	
	Amherst	22,953	
	Nelson	12,752	
	Amelia	<u>7,815</u>	76,652
(1)	Campbell	32,958	
	City of Lynchburg	<u>54,790</u>	87,748
(2)	Henry	40,335	
	Patrick	15,282	
	Pittsylvania	58,296	
	City of Danville	46,577	
	City of Martinsville	<u>18,798</u>	89,644

[fol. 20]

EXHIBIT "C" TO COMPLAINT

STATE SENATORIAL DISTRICTS - 1962 ACT

<u>Senators</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Senator</u>
(1)	Smyth Carroll Floyd Grayson City of Galax	31,066 23,178 10,462 17,390 <u>5,254</u>	87,350
(1)	Washington Lee Scott City of Bristol	38,076 25,824 25,813 <u>17,144</u>	106,857
(1)	Dickenson Wise City of Norton	20,211 43,579 <u>4,996</u>	68,786
(1)	Buchanan Russell Pasewell	36,724 26,290 <u>44,791</u>	107,805
(1)	Bland Giles Pulaski Wythe	5,982 17,219 27,258 <u>21,975</u>	72,434
(1)	Alleghany Bedford Botetourt Craig Rockbridge City of Buena Vista City of Clifton Forge City of Covington	12,128 31,028 16,715 3,356 24,039 6,300 5,268 <u>11,062</u>	109,896
(1)	Franklin Montgomery Roanoke City of Radford	25,925 32,923 61,693 <u>9,371</u>	129,912
(1)	Augusta Bath Highland City of Staunton City of Waynesboro	37,363 5,335 3,221 22,232 <u>15,694</u>	83,845
(1)	Page Rappahannock Rockingham Warren City of Harrisonburg	15,572 5,368 40,485 14,655 <u>11,916</u>	87,996
(1)	Clarke Frederick Shenandoah City of Winchester	7,942 21,941 21,825 <u>15,110</u>	66,818
(1)	Albemarle Fluvanna Greene Madison City of Charlottesville	30,969 7,227 4,715 8,187 <u>29,427</u>	80,525

[fol. 21]

EXHIBIT "C"  
(continued)  
STATE SENATORIAL DISTRICTS - 1962 ACT

<u>Senators</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Senator</u>
(1)	Goochland Louisa Orange Spottsylvania City of Fredericksburg	9,206 12,959 12,900 13,819 <u>13,639</u>	62,523
(1)	Culpepper Fauquier Loudoun	15,088 24,066 <u>24,549</u>	63,703
(2)	Fairfax City of Fairfax City of Falls Church	261,417 13,585 <u>10,192</u>	142,597
(1)	King George Lancaster Northumberland Prince William Richmond Stafford Westmoreland	7,243 9,174 10,185 50,164 6,375 16,876 <u>11,042</u>	111,059
(1)	Caroline Hanover King William Essex King and Queen Middlesex Gloucester Mathews	12,725 27,550 7,563 6,690 5,889 6,319 11,919 <u>7,121</u>	85,776
(1)	Consolidated City of Newport News York	113,662 <u>21,583</u>	135,245
(1)	City of Hampton	89,258	89,258
(1)	Charles City County Chesterfield James City County City of Colonial Heights City of Williamsburg New Kent	5,492 71,197 11,539 9,587 6,832 <u>4,504</u>	109,151
(2)	City of Richmond	219,958	109,979
(1)	County of Henrico	117,339	117,339
(1)	City of Roanoke	97,110	97,110
(1)	City of Alexandria	91,023	91,023

[fol. 22]



## HOUSE OF DELEGATES - 1962 ACT

1960 - Population 3,966,949 - 1960 Census

Number of Delegates - 100

Average Population per Delegate 39,669

<u>Delegates</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Delegate</u>
(1)	Accomack	30,635	30,635
(1)	Accomack Northampton (See also Accomack)	30,635 16,966 (Floater)	47,601
(1)	Albemarle Greene	30,969 <u>4,715</u>	35,684
(1)	Charlottesville	29,427	29,427
(2)	Alexandria	91,023	45,512
(1)	Alleghany City of Covington City of Clifton Forge	12,128 11,062 <u>5,268</u>	28,458
(1)	Amelia Powhatan Nottoway	7,815 6,747 <u>15,141</u>	29,703
(1)	Amherst City of Lynchburg (See also Lynchburg & Nelson)	22,953 54,790 (Floater)	77,743
(3)	Arlington	163,401	54,467
(2)	Augusta Highland City of Staunton City of Waynesboro	37,363 3,221 22,232 <u>15,694</u> 78,510	39,255
(1)	Bedford	31,028	31,028
(1)	Bland Giles	5,982 17,219	23,201
(1)	Botetourt Craig Roanoke County (See also Roanoke County)	16,715 3,356 61,693 (Floater)	81,764
(1)	Brunswick Lunenburg	17,779 <u>12,523</u>	30,302
(1)	Buchanan	36,724	36,724
(1)	Russell Dickenson	26,290 <u>20,211</u>	46,501
(1)	Buckingham Appomattox Cumberland	10,877 9,148 <u>6,360</u>	26,385

[fol. 23]

EXHIBIT "D" TO COMPLAINT

EXHIBIT "D"  
(continued)  
HOUSE OF DELEGATES - 1962 ACT

<u>Delegates</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Delegate</u>
(1)	Campbell	32,958	32,958
(1)	Caroline	12,725	
	King George	7,243	
	Essex	6,690	
	King and Queen	<u>5,889</u>	32,547
(1)	Carroll	23,178	
	Floyd	<u>10,462</u>	33,640
(1)	Charles City County	5,492	
	James City County	11,539	
	New Kent	4,504	
	York	21,583	
	City of Williamsburg	<u>6,832</u>	49,950
(1)	Charlotte	13,368	
	Prince Edward	<u>14,121</u>	27,489
(1)	Chesterfield	71,197	
	City of Colonial Heights	<u>9,587</u>	80,784
(1)	Clarke	7,942	
	Frederick	21,941	
	City of Winchester	<u>15,110</u>	44,993
(1)	City of Danville	46,577	46,577
(1)	City of Hampton	89,258	89,258
(3)	Fairfax County	261,417	
	City of Fairfax	13,585	
	City of Falls Church	<u>10,192</u>	
		285,194	95,031
(1)	Fauquier	24,066	
	Rappahannock	<u>5,368</u>	29,434
(1)	Fluvanna	7,227	
	Goochland	9,206	
	Louisa	<u>12,959</u>	29,392
(1)	Franklin	25,925	25,925
(1)	Gloucester	11,919	
	Mathews	7,121	
	Middlesex	<u>6,319</u>	25,359
(1)	Grayson	17,390	
	City of Galax	<u>5,254</u>	22,644
(1)	Greensville	16,155	
	Sussex	<u>12,411</u>	28,566
(1)	Halifax	33,637	
	City of South Boston	<u>5,974</u>	39,611
(1)	Hanover	27,550	
		<u>7,563</u>	35,113

[fol. 24]



EXHIBIT "D"  
(continued)  
HOUSE OF DELEGATES - 1962 ACT

3

<u>Delegates</u>	<u>District</u>	<u>Population by District</u>	<u>Population per Delegate</u>
(1)	Henrico (See also City of Richmond)	117,339	117,339
(2)	Henry Patrick City of Martinsville	40,335 15,282 <u>18,798</u>	37,208
(1)	Isle of Wight Nansemond City of Suffolk (See also Nansemond, etc.)	17,164 31,366 <u>12,609</u> (Floater)	61,139
(1)	Northumberland Westmoreland Lancaster Richmond County	10,185 11,042 9,174 <u>6,375</u>	36,776
(3)	City of Newport News	113,662	37,887
(2)	Lee Wise City of Norton	25,824 43,579 <u>5,013</u> 74,416	37,203
(1)	Loudoun	24,549	24,549
(1)	City of Lynchburg (See also Amherst)	54,790	54,790
(1)	Madison Culpeper Orange	8,187 15,088 <u>12,900</u>	36,175
(1)	Mecklenburg	31,428	31,428
(1)	Montgomery City of Radford	32,923 <u>9,371</u>	42,294
(1)	Nansemond City of Suffolk (See also Isle of Wight, etc.)	31,366 <u>12,609</u>	43,975
(1)	Nelson Amherst (See also Amherst & Lynchburg)	12,752 <u>22,953</u>	35,705
(2)	Norfolk County City of South Norfolk	51,612 <u>22,035</u> 73,647	36,823
(6)	City of Norfolk	305,872	50,978
(1)	Page Warren	15,572 <u>14,655</u>	30,227
(2)	City of Petersburg Dinwiddie	36,750 <u>22,183</u> 58,933	29,466

[fol. 25]

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EXHIBIT "D"  
(continued)  
HOUSE OF DELEGATES - 1962 ACT

<u>Delegates</u>	<u>District</u>	<u>Population by Districts</u>	<u>Population per Delegate</u>
(2)	Pittsylvania	58,296	29,148
(2)	City of Portsmouth	114,773	57,386
(1)	Prince George Surry City of Hopewell	20,270 6,220 <u>17,895</u>	44,385
(2)	Princess Anne City of Virginia Beach	76,124 8,091 <u>84,215</u>	42,107
(1)	Prince William	50,164	50,164
(1)	Pulaski	27,258	27,258
(8)	City of Richmond Henrico	219,958 <u>117,339</u> (Floater) 337,297	42,162
(1)	Roanoke County (See also Botetourt, etc.)	61,693	61,693
(2)	City of Roanoke	97,110	48,555
(1)	Rockbridge Bath City of Buena Vista	24,039 5,335 <u>6,300</u>	35,674
(2)	Rockingham City of Harrisonburg	40,485 <u>11,916</u> 52,401	26,200
(1)	Shenandoah	21,825	21,825
(1)	Smyth	31,066	31,066
(1)	Southampton City of Franklin	19,931 <u>7,264</u>	27,195
(1)	Spotsylvania Stafford City of Fredericksburg	13,819 16,876 <u>13,639</u>	44,334
(1)	Tazewell	44,791	44,791
(2)	Washington Scott City of Bristol	38,076 25,813 <u>17,144</u> 81,033	40,516
(1)	Wythe	21,975	21,975

[fol. 26]

[fol. 27]

EXHIBIT "F" TO COMPLAINT

27

Index Values of the Right to Vote  
for Members of the Legislature,  
by Counties, 1910, 1930, 1950, 1960

STATE OF VIRGINIA

County		Lower House				Upper House				Entire Legislature			
Name	1960 Pop. (Thous.)	1910	1930	1950	1960	1910	1930	1950	1960	1910	1930	1950	1960
Accomack	31	.95	1.12	1.63	2.12	.79	.86	.89	.75	.87	.99	1.26	1.44
Albemarle	31	1.13	1.00	1.06	1.11	1.18	.94	1.14	1.23	1.16	.97	1.10	1.17
Alleghany	12	.84	.90	1.15	1.39	1.05	1.12	.78	.90	.95	1.01	.97	1.15
Amelia	8	.93	1.02	1.15	1.34	.88	1.03	1.09	1.29	.91	1.03	1.12	1.32
Amherst	23	1.09	1.27	1.45	1.62	1.44	1.71	1.09	1.29	1.27	1.49	1.27	1.46
Appomattox	9	2.32	1.12	1.17	1.50	1.07	1.34	1.09	1.29	1.70	1.23	1.13	1.40
Arlington	163	.81	.91	.74	.73	.89	.67	.61	.61	.85	.79	.68	.67
Augusta	37	.96	.97	.94	1.01	1.07	1.11	1.08	1.18	1.02	1.04	1.01	1.10
Bath	5	.57	.64	.95	1.11	1.05	1.12	1.08	1.18	.81	.88	1.02	1.15
Bedford	31	1.40	1.21	1.12	1.28	.96	1.12	.78	.90	1.18	1.17	.95	1.09
Bland	6	1.23	1.29	1.31	1.71	.95	1.01	1.08	1.37	1.09	1.15	1.20	1.54
Botetourt	17	1.16	1.27	1.73	1.98	1.05	1.12	.78	.90	1.11	1.20	1.26	1.44
Brunswick	18	1.07	1.18	.97	1.31	1.07	1.14	1.22	1.61	1.07	1.16	1.10	1.46
Buchanan	37	.55	.57	1.49	1.78	.74	.81	.75	.92	.65	.69	1.12	1.35
Buckingham	11	.84	1.12	1.17	1.50	1.07	1.34	1.09	1.29	.96	1.23	1.13	1.40
Campbell	33	.89	1.06	1.15	1.20	.98	.95	1.08	1.13	.94	1.01	1.12	1.17
Caroline	13	1.24	1.18	1.04	1.22	1.22	1.26	1.35	1.49	1.23	1.22	1.20	1.36
Carroll	23	.98	1.09	.87	1.18	.89	1.44	1.40	1.76	.94	1.27	1.14	1.47
Charles City	5	.69	.97	.99	.79	1.30	.83	.76	.49	1.00	.91	.88	.64
Charlotte	13	1.31	1.51	1.13	1.44	1.07	1.34	1.17	1.48	1.19	1.43	1.15	1.46



[fol. 28]

## EXHIBIT "E"

Index Values of the Right to Vote  
for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960

## STATE OF VIRGINIA

County		Lower House				Upper House				Entire Legislature			
Name	1960 Pop. (Thous.)	1910	1930	1950	1960	1910	1930	1950	1960	1910	1930	1950	1960
Chesterfield	71	1.72	.75	1.04	.69	1.41	.83	.76	.49	1.57	.79	.90	.59
Clarke	8	1.28	.78	.86	.88	1.71	1.16	1.39	1.48	1.50	.97	1.13	1.18
Craig	3	.84	1.27	1.73	1.98	1.05	1.12	.78	.90	.95	1.20	1.26	1.44
Culpeper	15	1.53	1.15	.97	1.10	1.14	1.12	1.49	1.56	1.34	1.14	1.23	1.33
Cumberland	6	.84	1.10	1.17	1.50	.88	1.34	1.09	1.29	.86	1.22	1.13	1.40
Dickenson	20	.48	.36	.56	.70	.74	.90	1.04	1.44	.61	.63	.80	1.07
Dinwiddie	22	1.34	1.31	1.23	1.35	1.30	1.29	1.20	1.34	1.32	1.30	1.22	1.35
Essex	7	1.10	1.11	1.04	1.22	1.05	1.25	1.35	1.49	1.08	1.18	1.20	1.36
Fairfax	275	1.00	.96	.63	.28	.89	.67	.78	.35	.95	.81	.71	.32
Fauquier	24	1.39	1.15	1.21	1.35	1.18	1.12	1.49	1.56	1.27	1.14	1.35	1.46
Floyd	10	1.46	.37	.87	1.18	1.27	.73	1.40	1.76	1.37	.55	1.14	1.47
Fluvanna	7	1.17	1.57	1.15	1.35	1.07	.94	1.14	1.23	1.12	1.26	1.15	1.29
Franklin	26	.78	1.36	1.35	1.53	1.27	.73	.79	.76	1.03	1.00	1.07	1.15
Frederick	22	1.11	.78	.86	.88	1.30	1.16	1.39	1.48	1.21	.97	1.13	1.18
Giles	17	1.23	1.29	1.31	1.71	.95	1.01	1.08	1.37	1.09	1.15	1.20	1.54
Gloucester	12	1.65	1.28	1.37	1.56	1.05	1.25	.96	.74	1.35	1.27	1.17	1.15
Goochland	9	1.17	1.57	1.15	1.35	1.41	1.26	1.42	1.59	1.29	1.42	1.29	1.47
Grayson	17	1.04	1.21	1.55	1.75	.89	1.44	1.40	1.76	.97	1.33	1.48	1.76
Greene	5	1.21	1.00	1.06	1.11	1.18	.94	1.14	1.23	1.20	.97	1.10	1.12
Greensville	16	.81	.95	1.14	1.39	1.20	1.12	1.27	1.36	1.01	1.04	1.21	1.38

[fol. 29]

EXHIBIT "E"  
Index Values of the Right to Vote  
for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960

STATE OF VIRGINIA

County		Lower House				Upper House				Entire Legislature			
Name	1960 Pop. (Thous.)	1910	1930	1950	1960	1910	1930	1950	1960	1910	1930	1950	1960
Halifax	34	1.03	1.17	.80	1.00	1.29	1.47	1.17	1.48	1.16	1.32	.99	1.24
Hanover	28	2.00	.97	1.12	1.13	1.22	1.26	1.35	1.49	1.61	1.12	1.24	1.31
Henrico	117	.88	.80	.90	.54	1.30	.83	.76	.49	1.09	.82	.83	.52
Henry	40	1.12	.87	1.04	1.07	.58	.95	1.00	1.11	.85	.91	1.02	1.09
Highland	3	.57	.64	.94	1.01	1.07	1.11	1.08	1.18	.82	.88	1.01	1.10
Isle of Wight	17	1.38	1.81	.63	.65	.76	.83	1.05	1.12	1.07	1.32	.84	.89
James City	12	.69	.99	.99	.79	1.30	.83	.96	.74	1.00	.91	.98	.77
King and Queen	6	1.10	1.11	1.04	1.22	1.05	1.25	1.35	1.49	1.08	1.18	1.20	1.36
King George	7	1.43	1.18	1.04	1.22	1.18	1.49	1.09	.89	1.31	1.34	1.07	1.06
King William	8	.80	.97	1.12	1.13	1.22	1.26	1.35	1.49	1.01	1.12	1.24	1.31
Lancaster	9	1.20	1.54	.95	1.08	1.18	1.49	1.09	.89	1.19	1.52	1.02	.99
Lee	26	.92	.80	.92	1.54	.63	1.11	1.30	1.92	.78	.96	1.11	1.73
Loudoun	25	1.38	1.22	1.57	1.62	1.18	1.12	1.49	1.56	1.28	1.17	1.53	1.59
Louisa	13	1.24	1.69	1.15	1.35	1.27	1.18	1.42	1.59	1.26	1.44	1.29	1.47
Lunenburg	13	1.61	1.72	.97	1.31	.88	1.03	1.22	1.61	1.25	1.38	1.10	1.46
Madison	8	1.21	1.15	.97	1.10	1.14	.94	1.14	1.23	1.18	1.05	1.06	1.17
Mathews	7	1.16	1.28	1.37	1.56	1.05	1.25	.96	.74	1.11	1.27	1.17	1.15
Mecklenburg	31	.71	.74	.99	1.26	1.07	1.14	1.22	1.61	.89	.94	1.11	1.44
Middlesex	6	1.16	1.11	1.37	1.56	1.05	1.25	1.35	1.49	1.11	1.18	1.36	1.53
Montgomery	33	.96	.94	.86	.94	.68	.73	.79	.76	.82	.84	.83	.85



[fol. 30]

**EXHIBIT "E"**  
**Index Values of the Right to Vote**  
**for Members of the Legislature**  
**by Counties, 1910, 1930, 1950, 1960**

**STATE OF VIRGINIA**

County		Lower House				Upper House				Entire Legislature			
Name	1960 Pop. (Thous.)	1910	1930	1950	1960	1910	1930	1950	1960	1910	1930	1950	1960
Nansemond	31	.77	.74	1.51	1.56	.76	.83	1.05	1.12	.77	.79	1.28	1.34
Nelson	13	1.23	1.48	.97	1.11	1.44	1.71	1.09	1.29	1.34	1.60	1.03	1.20
New Kent	5	.69	.99	.99	.79	1.30	.83	.96	.74	1.00	.91	.98	.77
Norfolk	52	.78	1.28	.60	1.08	.60	.72	.75	1.35	.69	1.00	.68	1.22
Northampton	17	.39	.45	.65	.83	.79	.86	.89	.75	.59	.66	.77	.79
Northumberland	10	1.03	1.24	.95	1.08	1.18	1.49	1.09	.89	1.11	1.37	1.02	.99
Nottoway	15	.93	1.02	1.15	1.34	.88	1.03	1.20	1.34	.91	1.03	1.18	1.34
Orange	13	1.53	1.15	.97	1.10	1.14	1.18	1.42	1.59	1.34	1.17	1.20	1.35
Page	16	.93	1.04	1.11	1.31	1.71	.89	1.01	1.13	1.32	.97	1.06	1.22
Patrick	15	1.20	1.53	1.04	1.07	.89	.95	1.00	1.11	1.05	1.24	1.02	1.09
Pittsylvania	58	.89	.79	1.00	1.36	1.34	.95	1.00	1.11	1.12	.87	1.00	1.24
Powhatan	7	.75	.75	1.15	1.34	1.41	1.03	1.09	1.29	1.08	.89	1.12	1.32
Prince Edward	14	1.45	1.10	1.13	1.44	.88	1.03	1.17	1.48	1.17	1.07	1.15	1.46
Prince George	20	1.17	.84	.92	.89	1.20	1.12	1.27	1.36	1.19	.98	1.10	1.13
Prince William	50	1.71	1.10	.96	.59	.89	.67	1.09	.89	1.30	.89	1.03	.74
Princess Anne	76	1.79	1.49	.78	.47	.79	.86	.89	.75	1.29	1.18	.84	.61
Pulaski	27	1.20	1.18	1.20	1.46	.95	1.01	1.08	1.37	1.08	1.10	1.14	1.42
Rappahannock	5	.93	1.15	1.21	1.35	1.14	.89	1.01	1.13	1.04	1.02	1.11	1.24
Richmond	6	1.20	1.54	.95	1.08	1.18	1.49	1.09	.89	1.19	1.52	1.02	.99
Roanoke	62	1.05	.69	.80	.64	.68	.73	.79	.76	.87	.71	.80	.70

EXHIBIT "E"  
Index Values of the Right to Vote  
for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960

STATE OF VIRGINIA

County		Lower House				Upper House				Entire Legislature			
Name	1960 Pop. (Thous.)	1910	1930	1950	1960	1910	1930	1950	1960	1910	1930	1950	1960
Rockbridge	24	1.41	1.61	.95	1.11	.96	1.12	.78	.90	1.19	1.37	.87	1.01
Reckingham	40	1.18	1.31	1.45	1.51	1.48	.89	1.01	1.13	1.33	1.10	1.23	1.32
Russell	26	.88	1.50	1.24	1.51	.74	.81	.75	.92	.81	1.16	1.00	1.22
Scott	26	.87	1.00	1.20	1.54	.63	1.11	1.30	1.92	.75	1.06	1.25	1.73
Shenandoah	22	.98	1.17	1.57	1.82	1.30	1.16	1.39	1.48	1.14	1.17	1.48	1.65
Smyth	31	1.01	.96	1.10	1.28	.87	.89	.99	1.15	.94	.93	1.05	1.22
Southampton	27	.78	.90	1.25	1.46	.76	.83	1.05	1.12	.77	.87	1.15	1.29
Spotsylvania	14	1.30	1.44	1.38	1.44	1.27	1.18	1.42	1.59	1.29	1.31	1.40	1.52
Stafford	17	1.43	1.10	.96	.59	1.27	1.18	1.09	.89	1.35	1.14	1.03	.74
Surry	6	1.17	.84	.92	.89	1.20	1.12	1.27	1.36	1.19	.98	1.10	1.13
Sussex	12	.81	.95	1.14	1.39	1.20	1.12	1.27	1.36	1.01	1.04	1.21	1.38
Tazewell	45	.55	.75	.70	.89	.74	.81	.75	.97	.65	.78	.73	.91
Warren	15	1.28	1.04	1.11	1.31	1.71	.89	1.01	1.13	1.50	.97	1.06	1.22
Washington	38	1.06	1.13	1.24	1.44	.87	.89	.99	1.15	.97	1.01	1.12	1.30
Westmoreland	11	1.03	1.24	.95	1.08	1.18	1.49	1.09	.89	1.11	1.37	1.02	.99
Wise	44	.48	.83	1.18	1.63	.63	.90	1.04	1.44	.56	.87	1.11	1.54
Wythe	22	1.01	1.17	1.42	1.81	.95	1.01	1.08	1.37	.98	1.09	1.25	1.59
York	22	.69	.99	.99	.79	.93	1.25	.96	.74	.81	1.12	.98	.77



[fol. 32]

**EXHIBIT "E"**  
**Index Values of the Right to Vote**  
**for Members of the Legislature**  
**by Cities, 1910, 1930, 1950, 1960**

**STATE OF VIRGINIA**

City		Lower House				Upper House				Entire Legislature			
Name	1960 Pop. (Thous.)	1910	1930	1950	1960	1910	1930	1950	1960	1910	1930	1950	1960
Alexandria	91	.81	1.00	.54	.44	.89	.67	1.34	1.09	.85	.84	.94	.77
Bristol	17	1.06	1.13	1.24	1.44	.87	.89	.99	1.15	.97	1.01	1.12	1.30
Buena Vista	6	1.40	1.63	.95	1.11	.96	1.12	.78	.90	1.18	1.38	.87	1.01
Charlottesville	29	1.13	1.00	1.28	1.35	1.18	.94	1.14	1.23	1.16	.97	1.21	1.29
Clifton Forge	5	.84	.90	1.15	1.39	1.05	1.12	.78	.90	.95	1.01	.97	1.15
Colonial Hgts.	6	-	-	1.04	.70	-	-	.76	.49	-	-	.90	.60
Covington	11	-	-	-	1.39	-	-	-	.90	-	-	-	1.15
Danville	47	.89	1.09	.95	.85	1.33	.95	1.00	1.11	1.11	1.02	.98	.98
Falls Church	10	-	-	.63	.28	-	-	.78	.35	-	-	.71	.32
Fredericksburg	14	1.30	1.44	1.38	1.44	1.27	1.18	1.42	1.59	1.29	1.31	1.40	1.52
Galax	5	-	-	-	1.75	-	-	-	1.76	-	-	-	1.76
Hampton	89	.97	.92	.54	.44	.93	.87	.80	.74	.95	.90	.67	.60
Harrisonburg	12	-	1.31	1.45	1.51	-	.89	1.01	1.13	-	1.10	1.23	1.32
Hopewell	18	-	.84	.92	.89	-	1.12	1.27	1.36	-	.98	1.10	1.13
Lynchburg	55	.70	.60	1.18	1.23	.98	.95	1.08	1.13	.84	.78	1.13	1.18
Martinsville	19	-	.87	1.04	1.07	-	.95	1.00	1.11	-	.91	1.02	1.09
Newport News	114	1.02	1.27	1.21	1.05	.93	.87	.88	.74	.98	1.07	1.05	.90
Norfolk	306	.61	.75	.93	.78	.76	.93	.78	.65	.69	.84	.86	.72
Norton	5	-	-	-	1.63	-	-	-	1.44	-	-	-	1.54
Petersburg	37	.85	.85	1.23	1.35	1.30	1.29	1.20	1.34	1.08	1.07	1.22	1.35

**EXHIBIT "E"**  
**Index Values of the Right to Vote**  
**for Members of the Legislature**  
**by Cities, 1910, 1930, 1950, 1960**

**STATE OF VIRGINIA**

City		Lower House				Upper House				Entire Legislation			
Name	1960 Pop. (Thous.)	1910	1930	1950	1960	1910	1930	1950	1960	1910	1930	1950	1960
Portsmouth	115	.62	1.06	.83	.69	.60	.72	1.04	.86	.61	.89	.94	.78
Radford	9	.96	.94	.86	.94	.68	.73	.79	.76	.82	.84	.83	.85
Richmond	220	.81	.79	1.01	1.26	.81	.99	1.08	1.35	.81	.89	1.05	1.31
Roanoke	97	.59	.70	.72	.82	.68	.73	.90	1.02	.64	.72	.81	.92
South Boston	6	-	-	-	1.00	-	-	-	1.48	-	-	-	1.24
South Norfolk	22	-	1.28	.60	1.08	-	.72	.75	1.35	-	1.00	.68	1.22
Staunton	22	.96	.97	.94	1.01	1.07	1.11	1.08	1.18	1.02	1.04	1.01	1.10
Suffolk	13	-	.74	1.44	1.54	-	.83	1.05	1.12	-	.79	1.25	1.33
Virginia Beach	8	-	-	-	.47	-	-	-	.75	-	-	-	.61
Waynesboro	16	-	-	.94	1.01	-	-	1.08	1.18	-	-	1.01	1.10
Williamsburg	7	.69	.99	.99	.79	1.30	.83	.96	.74	1.00	.91	.98	.77
Winchester	15	1.11	.78	.86	.88	1.30	1.16	1.39	1.48	1.21	.97	1.13	1.18

[fol. 83]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF VIRGINIA  
 ALEXANDRIA DIVISION  
 Civil Action No. 2604

HARRISON MANN, KATHRYN STONE, JOHN C. WEBB, JOHN  
 A. K. DONOVAN, Plaintiffs,  
 CHARLES L. GLANVILLE, WILLIAM L. SHEPHEARD, PAUL M.  
 LIPKIN, JACK R. WILKINS, Plaintiffs Intervening,

— versus —

1. LEVIN NOCK DAVIS, Secretary, State Board of Elections,  
Accomac, Virginia;
2. ALEXANDER M. HARMAN, JR., Member, State Board of  
Elections, Pulaski, Virginia;
3. ROBERT C. BAYLISS, Member, State Board of Elections,  
Richmond, Virginia;
4. ALBERTIS HARRISON, Governor of Virginia, Richmond,  
Virginia;
5. ROBERT Y. BUTTON, Attorney General of Virginia,  
Richmond, Virginia;
6. H. BRUCE GREEN, Clerk of the Circuit Court, Arlington,  
Virginia;
7. THOMAS P. CHAPMAN, JR., Clerk of the Circuit Court,  
Fairfax, Virginia;
8. DENMAN T. RUCKER, Arlington, Virginia;
9. MAYNARD CARLISLE, Arlington, Virginia;
10. RALPH KIMBLE, Arlington, Virginia, Members of Elec-  
toral Board, Arlington County, Virginia, Defendants;
11. PAUL KINCHELOE, Burge, Virginia;
12. EBNE L. DUNCAN, Alexandria, Virginia;



13. JONES JASPER, Fairfax Station, Virginia, Members of Electoral Board, Fairfax County, Virginia;
14. WILLIAM L. PRIEUR, JR., Clerk of Corporation Court of City of Norfolk, Virginia;
15. JAMES M. WOLCOTT, Member, Electoral Board of City of Norfolk, Virginia;
16. JOSEPH T. FITZPATRICK, Member, Electoral Board of City of Norfolk, Virginia;
17. JAMES E. BAYLOR, Member, Electoral Board of City of Norfolk, Virginia, Additional Defendants Intervened against.

[fol. 84]

VOTERS' INTERVENING PETITION IN VOTERS' COMPLAINT TO CORRECT MALAPPORTIONMENT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF VIRGINIA—Filed May 25, 1962

### I.

Charles L. Glanville, William L. Shepherd, Paul M. Lipkin and Jack R. Wilkins, move for leave to intervene as plaintiffs in this action in order to assert their claims under the Complaint and the Motions heretofore filed by the captioned plaintiffs. They incorporate herein, by reference, all of the allegations of the original complaint together with attached exhibits, as if the same were set forth at length herein.

### II.

Charles L. Glanville, William L. Shepherd, Paul M. Lipkin and Jack R. Wilkins, assert that they are now and have been since the institution of this suit, residents, citizens and taxpayers of the City of Norfolk, Virginia, and of the United States of America and the Commonwealth of Virginia.

### III.

Intervenors are registered and qualified voters of the United States of America, the Commonwealth of Virginia,

and the City of Norfolk, Virginia, and are entitled to vote in the elections held by each of these governmental bodies.

#### IV.

Intervenors are members of the class represented by the original plaintiffs in this case; but due to the fact that intervenors are citizens of a municipality separate and apart from those of the plaintiffs, the representation of the intervenors' interests by the plaintiffs in this suit is or may be incomplete or inadequate and the intervenors are or may be bound by a judgment in this action.

[fol. 85]

#### V.

Intervenors move for leave to proceed against the original defendants and to join as additional defendants William L. Prieur, Jr., Clerk, Corporation Court of the City of Norfolk, Virginia; James M. Wolcott, Member of the Electoral Board of the City of Norfolk, Virginia; Joseph T. Fitzpatrick, Member of the Electoral Board of the City of Norfolk, Virginia; and James E. Baylor, Member of the Electoral Board of the City of Norfolk, Virginia.

#### VI.

This Court has original jurisdiction of this action pursuant to 28 U. S. Code Section 1343 (3) and the intervenors have a right to bring this suit pursuant to the Civil Rights Act of the United States, 42 U. S. Code Sections 1983, 1988.

#### VII.

Under the provisions of 28 U. S. Code Sections 2281 and 2284 special provision is made for hearing causes of action involving restraining the enforcement, operation or execution of any state statute by restraining the action of any officer of such state, whenever said application is based on the unconstitutionality of such statute.

#### VIII.

Intervenors and each of them are citizens of the United States and of the Commonwealth of Virginia and are regis-

tered and qualified voters in said Commonwealth and are entitled to vote for the members of the General Assembly of the Commonwealth of Virginia. In particular:

Intervenors Charles L. Glanville, William L. Shephard, Paul M. Lipkin and Jack R. Wilkins are residents of the City of Norfolk, Virginia.

Intervenors jointly and severally intervene in this action on their own behalf and on behalf of all other voters similarly situated in the Commonwealth of Virginia.

[fol: 86]

## IX.

The defendants and each of them are citizens of the United States and of the Commonwealth of Virginia and reside in said Commonwealth, and are sued in their representative capacities as hereinafter set forth.

A. Defendants Levin Nock Davis, Alexander M. Harman, Jr., and Robert C. Bayliss are Members of the State Board of Elections of the Commonwealth, the defendant, Levin Nock Davis, being secretary thereof. As such, said defendants are charged with supervising and coordinating the work of City and County Electoral Boards, making rules and regulations for the conduct of elections, preparing forms and records for the registration of voters and performing other duties in respect to elections.

B. Defendant Albertis Harrison is Governor and Chief Executive Officer of the Commonwealth, and under 28 U. S. Code Section 2284 must be notified of any action in a United States Court involving the enforcement of a state statute.

C. Defendant Robert Y. Button is Attorney General of the Commonwealth, and as such is charged with the duty of assisting attorneys for the Commonwealth of any jurisdiction in which election laws have been violated and of doing all things necessary to enforce the election laws. Under 28 U. S. Code Section 2284 said defendant, as Attorney General of the Commonwealth, must be notified of any action in a United States Court involving the enforcement of a state statute.

D. Defendant William L. Prieur, Jr., is Clerk of the Corporation Court of the City of Norfolk, Virginia. He is

sued as representative of all of the County and City Clerks of the Commonwealth, such persons constituting a class so numerous as to make it impracticable to bring them all before the Court. This action involves common questions [fol. 87] of law and fact affecting the several rights of all of said Clerks and a common relief is sought against them. The defendant, William L. Prieur, Jr., and the other Clerks of the Commonwealth are charged with the duty of making out certificates of election for the persons having the highest number of votes for any county or district office, including members of the General Assembly of the Commonwealth, and with the performance of other duties in connection with elections.

E. The defendants, James M. Wolcott, Joseph T. Fitzpatrick and James E. Baylor are Members of the Electoral Board of the City of Norfolk, Virginia. As such, said defendants are charged with the duty of the preparation of ballots and the conduct of elections in the City of Norfolk, Virginia, of canvassing the results thereof, and of other duties in connection therewith. They are sued as representative of all of the members of County and City Electoral Boards in the Commonwealth, such persons constituting a class so numerous as to make it impracticable to bring them all before the Court. This action involves common questions of law and fact affecting the several rights of all of said Members of Electoral Boards and common relief is sought against them.

## X.

Intervenors are now denied the equal protection of the laws guaranteed to them by the Fourteenth Amendment to the Constitution of the United States. Intervenors intervene in this action on their own behalf and on behalf of all of the registered and qualified voters of the City of Norfolk, Virginia, and on behalf of all voters in Virginia who are similarly situated. Intervenors seek a declaration of their rights and a declaration of the validity or invalidity of the acts and statute of the Commonwealth which apportion the members of the House of Delegates and Senators among the counties and cities of Virginia. They further seek such



injunctive relief as may be proper to assure them and all [fol. 88] other voters of Virginia the free and equal franchise and the equal protection of the laws to which they are entitled under the Fourteenth Amendment to the Constitution of the United States and which rights are now being denied them by the defendants and their predecessors in office who have complied with certain unconstitutional statutes and private acts, as hereinafter more particularly set forth.

### XI.

Sections 41 through 43, inclusive, of the Constitution of Virginia provide that the legislative power of the Commonwealth shall be vested in a General Assembly which shall consist of a Senate and House of Delegates; that the Senate shall consist of not more than forty and not less than thirty-three members who shall be elected quadrennially by the voters of the several senatorial districts; that the House of Delegates shall consist of not more than one hundred and not less than ninety members who shall be elected biennially by the voters of the several House districts; and that a reapportionment of the Commonwealth into Senatorial and House districts shall be made in the year 1932 and every ten years thereafter.

### XII.

Pursuant to said provisions of the Constitution of Virginia, the General Assembly in 1932, 1942 and in 1952 did apportion the state into separate Senatorial and House districts. In 1958 the 1952 apportionment act was amended.

### XIII.

By Section 24-14 of the Code of Virginia, enacted in 1952, as amended in 1958, the Commonwealth is divided into thirty-six Senatorial districts, whose respective locations, number of Senators and 1960 populations are shown in Exhibit "A" annexed to original complaint.

By Section 24-12 of the Code of Virginia, the Commonwealth is divided into seventy-four House districts, whose respective locations, number of delegates and 1960

populations are shown in Exhibit "B" annexed to original complaint.

#### XIV.

The apportionment set forth in Exhibits "A" and "B" annexed to original complaint are the ones now effective in the Commonwealth of Virginia. In the biennial session of the General Assembly of Virginia held in January, February and March of this year the General Assembly purported to enact amendments to Sections 24-14 and 24-12 respectively of the Code of Virginia, reapportioning the Senate and House districts. A list of the Senatorial districts, as thus purportedly reapportioned by the General Assembly with their respective locations, populations and number of Senators is set forth in Exhibit "C" annexed to original complaint; and a list of the House districts as thus purportedly reapportioned by the General Assembly with their respective locations, populations and number of delegates is set forth in Exhibit "D" annexed to original complaint. Said acts of the General Assembly will purport to become effective on June 28, 1962.

#### XV.

Intervenors aver that the aforementioned acts of the General Assembly embodied in Code Sections 24-14 and 24-12, respectively, as existing in 1952, as amended in 1958 and 1962, and as presently existing, have resulted and will continue to result in invidious discrimination against the intervenors and all other voters of the state Senatorial and House districts in which intervenors reside and against the voters of many other Senatorial and House districts in the Commonwealth.

#### XVI.

Intervenors, as citizens of the United States and as citizens and registered and qualified voters of the Commonwealth of Virginia, possess an inherent right to vote for members of the General Assembly of the Commonwealth and to cast votes that are equally effective with the votes of every other citizen of said Commonwealth; but intervenors aver that by virtue of the invidious discrimina-

tion practiced by the General Assembly in this reapportionment statutes hereinbefore referred to, the votes of the intervenors are not as effective as the votes of other voters residing in other Senatorial and House districts of the Commonwealth. As an example of the unconstitutional effects of the discriminatory dilution of the weight of a voter's ballot in the City of Norfolk, as effected by the amendment of Section 24-12 of the Code of Virginia enacted by the General Assembly in 1962, each state Senator from the City of Norfolk represents 152,936 residents of the City of Norfolk, while less than half that number of persons residing in the City of South Norfolk, Virginia, and Norfolk County, Virginia, are afforded equal representation in the state senate. Each Delegate to the House of Delegates from the City of Norfolk represents 50,978 residents, while it takes only 36,823 persons residing in Norfolk County and the City of South Norfolk to entitle these localities to the same representation in the House of Delegates. The unconstitutional discrimination against the equal weight of the ballot afforded the citizens of Norfolk, Virginia, by the disproportionate provisions of said amendment is demonstrated and documented by the fact that the voters of Loudoun County have one Delegate for 24,549 persons; the voters of Shenandoah County have one Delegate for 21,825 persons; and the voters of Wythe County have one Delegate for 21,975 persons; and the voters of three other cities and 12 counties in the Commonwealth have a Senator for every 67,000 persons or less. The population growth in the City of Norfolk, in which intervenors reside, is much more rapid than in the favored sections of the Commonwealth referred to above, so that with each passing year the discrimination [fol. 91] against intervenors and other voters in the City of Norfolk will become more acute and invidious. A table showing the "Index Value" of the right to vote for members of the General Assembly of Virginia, by Counties, from 1910 through 1960 is annexed as Exhibit "E", annexed to original complaint.

#### XVII.

That the intervenors as citizens of the United States and of the State of Virginia possess the inherent right to vote

for members of the Virginia General Assembly and to cast votes that are equally effective with the votes of every other citizen of said state and the said rights are recognized and guaranteed by the Constitution of the United States and, if not, should be protected by the Constitutional Laws of the State of Virginia.

### XVIII.

That the General Assembly of Virginia for a number of years has denied to intervenors and others similarly situated the equal protection of the laws by unjustly discriminating against large segments of the population of the state and specifically the citizens of Norfolk, Virginia, in the allocation of the burdens of taxation and in the unequal and unjust disposition of funds derived by the state through the exercise of its taxing power as represented by statutes passed to raise and distribute revenues, notably for the support of public schools of the state, for teachers salaries, for the maintenance of roads and highways, welfare contributions and for other purposes.

Intervenors further aver that as a result of such malapportionment a minority of the people of Virginia now control and will continue to control the General Assembly of the Commonwealth contrary to the constitution of Virginia and the constitution of the United States and that said representatives of a minority of the people of this Commonwealth, by virtue of their control of the General Assembly have used and are using the same to oppress the [fol. 92] citizens of the City of Norfolk, in which intervenors reside, and other citizens similarly situated, by inequitable distribution to their area of state revenues derived by taxation of all of the people, and in numerous other ways.

### XIX.

Intervenors aver that the constitutional requirements aforementioned can only be met by a redistribution of state Senatorial and House districts among the counties and cities of the Commonwealth substantially in proportion to their respective populations; and that because detailed popula-



tion figures are now available under the 1960 census, such redistribution of Senatorial and House districts may now be effectively made.

## XX.

The regular biennial session of the General Assembly of Virginia which was held in January, February and March, 1962, has now adjourned, and under the Constitution of Virginia, unless the General Assembly is called into special session, it will not reconvene until January 1964. In the meantime, there will be elections throughout the Commonwealth for members of the state Senate and House of Delegates, and unless the inequities herein complained of are corrected by this Court, the intervenors and all other voters similarly situated will be denied the equal protection of the laws in said elections. The defendants, unless prevented by this Court will perform their duties in the conduct of such elections in an unconstitutional manner.

## XXI.

The Constitution and laws of the State of Virginia do not require the Virginia General Assembly to reapportion representation to which the City of Norfolk and other political sub-divisions of the state are entitled but once every ten years. If this Honorable Court does not grant the relief [fol. 93] herein sought and thereby afford relief to said intervenors and others similarly situated whereby they may obtain fair and equal representation in the Virginia General Assembly; the said intervenors and others similarly situated will suffer irreparable damage and harm in that they will be unequally and unjustly represented for the next ten years.

Wherefore, intervenors pray:

(1) That they may be permitted to intervene as parties plaintiff in this action;

(2) That William L. Prieur, Jr., James M. Wolcott, Joseph T. Fitzpatrick, and James E. Baylor, be named as additional parties defendant to this action;

(3) That process according to law may issue to the named defendants to this action, as well as to William L. Prieur, Jr., James M. Wolcott, Joseph T. Fitzpatrick and James E. Baylor.

(4) That this Court may take jurisdiction of this controversy.

(5) That a special three-judge court be called and impaneled to hear and determine this action and to declare the rights of intervenors in the premises to be as follows:

(A) That the present apportionment of Senate and House Districts in the Commonwealth of Virginia denies the intervenors and other voters of the Commonwealth similarly situated the equal protection of the laws, in contravention of the Fourteenth Amendment of the Constitution of the United States.

(B) That Sections 24-12 and 24-14 of the Code of Virginia, as now in force, are unconstitutional and void.

(C) That the purported amendments to Sections 24-12 and 24-14 of the Code of Virginia adopted by the General [fol. 94] Assembly of the Commonwealth in its biennial session held in the calendar year 1962 are likewise unconstitutional and void.

(6) That upon final hearing of this action, the Court grant to the intervenors the following further relief;

(A) That the defendants and each of them be permanently restrained and enjoined from furnishing forms for nominations, from receiving nominations or petitions therefor, from conducting and certifying elections, and from taking any and all other steps with respect to the election of members of the Senate and House of Delegates of the Commonwealth of Virginia under and pursuant to Sections 24-14 and 24-12 of the Code of Virginia.

(B) That defendants be directed to declare and hold the next primaries and general election for members of the Senate and House of Delegates of the Commonwealth on an "at large" basis throughout the entire Commonwealth.

(7) That intervenors may have such further and alternative relief as the nature of this action may require and this Court may deem proper.

Charles L. Glanville, William L. Shephard, Paul M. Lipkin and Jack R. Wilkins, By: Sidney H. Kelsey, Their Attorney.

Sidney H. Kelsey, 1408 Maritime Tower, Norfolk, Virginia;

Henry E. Howell, Jr., 808 Maritime Tower, Norfolk, Virginia;

Leonard B. Sachs, Citizens Bank Building, Norfolk, Virginia, Of Counsel for Intervenors.

[fol. 95] *Duly sworn to by Charles L. Glanville, William L. Shephard, Paul M. Lipkin, et al., jurats omitted in printing.*

[fol. 113] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

Civil Action No. 2604

[Title omitted]

ANSWER TO ORIGINAL COMPLAINT—Filed June 15, 1962

Come Now the defendants, H. Bruce Green, Clerk of the Circuit Court of Arlington County, Virginia, Denman T. Rucker, Maynard Carlisle and Ralph Kimble, Members of the Electoral Board of Arlington County, Virginia, by counsel, and for answer to the complaint heretofore filed against them in this case, say as follows:

1. These defendants deny the allegations of Paragraph 1.
2. These defendants admit the allegations of Paragraph 2.



3. These defendants admit the allegations of Paragraph 3, except the last paragraph thereof and for answer to said paragraph, these defendants say that they are without sufficient knowledge to admit or deny the same and therefore, deny the same and call for strict proof thereof.

4. These defendants admit the allegations of sub-paragraph A of Paragraph 4; these defendants admit the allegations of sub-paragraph B of Paragraph 4; these defendants admit the allegations of sub-paragraph C of Paragraph 4; these defendants admit that the persons named therein are the clerks of the respective courts mentioned therein and that as part of their duties they are charged with the duty of making out certificates of election as alleged, but these defendants deny the remainder of the allegations of sub-paragraph D of Paragraph 4.

[fol. 114] These defendants admit that the persons named therein are the members of the respective electoral boards as alleged and that among their duties are the duties of preparation of the ballots and the conduct of elections as alleged. These defendants deny the remainder of the allegations of sub-paragraph E of Paragraph 4.

5. These defendants being without sufficient information to form a belief as to the truth of all of the allegations contained in Paragraph 5 therefore deny the same and call for strict proof thereof.

6. These defendants admit the allegations of Paragraph 6.

7. These defendants admit the allegations of Paragraph 7.

8. These defendants admit the allegations of Paragraph 8.

9. These defendants admit the allegations of Paragraph 9.

10. These defendants, being without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 10, therefore deny the same and call for strict proof thereof.

11. These defendants, being without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 11, therefore deny the same and call for strict proof thereof.

12. These defendants, being without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 12, therefore deny the same and call for strict proof thereof.

13. These defendants, being without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 13, therefore deny the same and call for strict proof thereof.

14. These defendants, being without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 14, therefore deny the same and call for strict proof thereof.

Wherefore, having fully answered, these defendants pray to be dismissed with their costs.

H. Bruce Green, Denman T. Rucker, Maynard Carlisle, Ralph Kimble, By William J. Hassan, Counsel.

[fol. 115] Certificate of Service (omitted in printing).

[fol. 116] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Civil Action No. 2604

[Title omitted]

ANSWER TO INTERVENORS' COMPLAINT—Filed June 15, 1962

Now comes, William L. Prieur, Jr., Clerk of the Corporation Court of the City of Norfolk, Virginia, and James M.

Wolcott, Joseph T. Fitzpatrick and James E. Baylor, members of the electoral board of the City of Norfolk, Virginia, and for Answer to the Intervening Petition, inasmuch as it affects them, answers and says:

1. Complaint failed to state a claim upon which relief can be granted as against these Defendants.

[fol. 117] And for further answer, William L. Prieur, Jr. admits that he is Clerk of the Corporation Court of the City of Norfolk, Virginia, and insofar as he participates in his duties relative to elections in the City of Norfolk, Virginia, same is done in accordance with the laws of the State of Virginia, made and provided.

And for further answer, James M. Wolcott, Joseph T. Fitzpatrick and James E. Baylor, members of the Electoral Board of the City of Norfolk, Virginia, admit that they are members and their elections are governed by the Statute made and provided for the State of Virginia. They deny that they canvass votes in the City of Norfolk, Virginia, and ask for strict proof thereof.

And having fully answered the Complaint, they ask that same be dismissed.

William L. Prieur, Jr., Clerk of Corporation Court  
of City of Norfolk, Virginia.

James M. Wolcott, Joseph T. Fitzpatrick, James  
E. Baylor, Members of the Electoral Board of the  
City of Norfolk, Virginia, By: Alfred W. Whit-  
hurst, Counsel.

Certificate of Service (omitted in printing).



[fol. 118]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION  
Civil Action No. 2604

[Title omitted]

ANSWER TO INTERVENORS' COMPLAINT—Filed June 15, 1962

Come Now the defendants, H. Bruce Green, Clerk of the Circuit Court of Arlington County, Virginia, Denman T. Rucker, Maynard Carlisle and Ralph Kimble, Members of the Electoral Board of Arlington County, Virginia, by counsel, and for answer to the intervening petition filed against them in this case, say as follows:

1. Paragraph 1 requires no answer.
2. Your defendants being without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 2 of the intervening petition therefore deny the same and call for strict proof thereof.
3. Your defendants being without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 3 of the intervening petition, therefore deny the same and call for strict proof thereof.
4. Your defendants being without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 4 of the intervening petition, therefore deny the same and call for strict proof thereof.
5. Paragraph 5 requires no answer.
6. For answer to Paragraphs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, these defendants adopt the answer heretofore filed by them to the original complaint filed in this case.

Wherefore, having fully answered, these defendants pray to be dismissed with their costs.

H. Bruce Green, Denman T. Rucker, Maynard Carlisle, Ralph Kimble, By William J. Hassan, Counsel.

[fol. 119] Certificate of Service (omitted in printing).

[fol. 123] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Civil Action No. 2604

[Title omitted]

ANSWER TO COMPLAINT—Filed June 15, 1962

Now come Levin Nock Davis, Secretary of the State Board of Elections of the Commonwealth of Virginia, Alexander M. Harman, Jr., and Robert C. Bayliss, Members of the State Board of Elections of the Commonwealth of Virginia, A. S. Harrison, Jr., Governor of Virginia, and Robert Y. Button, Attorney General of Virginia, and file their joint and several answer to the complaint herein and say:

1. The allegations of Paragraph I of the complaint are denied.

2. For answer to Paragraph II of the complaint, these defendants say that the provisions of 28 U.S.C.A. 2281 and 2284 speak for themselves and that no answer to said paragraph is required of these defendants.

3. The allegations of Paragraph III, (A) and (B) are admitted, but these defendants deny that plaintiffs may bring this action on their own behalf or on behalf of all other voters similarly situated in the Commonwealth of Virginia.

4. The allegations of Paragraph IV, (A) and (B) are admitted.

These defendants admit that Robert Y. Button is the [fol. 124] Attorney General of Virginia and is required to

be notified as alleged in (C) of said complaint; but these defendants deny that the said Robert Y. Button is charged with the duties as therein alleged.

These defendants admit that H. Bruce Green is Clerk of the Circuit Court of Arlington County, that Thomas P. Chapman, Jr. is Clerk of the Circuit Court of Fairfax County and that they are charged with the duty of making out certificates of election for persons having the highest number of votes for any county or district office and with the performance of other duties in connection with elections. The remaining allegations of (D) are denied.

These defendants admit that Denman T. Rucker, Maynard Carlisle and Ralph Kimble are members of the Electoral Board of Arlington County, that Paul Kincheloe, Ebner L. Duncan and Jones Jasper are members of the Electoral Board of Fairfax County and that they are charged with the duty of preparing ballots used in elections. The remaining allegations of (E) of the complaint are denied.

5. For answer to Paragraph V of the complaint, these defendants admit that plaintiffs seek a declaration of their rights and of the validity or invalidity of the statutes of Virginia which apportion members of the House of Delegates and the Senate of Virginia among the counties and cities of the Commonwealth. The remaining allegations of said Paragraph V of the complaint are denied.

6. For answer to Paragraph VI of the complaint, these defendants say that the provisions of Sections 41 through 43, inclusive, of the Constitution of Virginia speak for themselves and that no answer to said Paragraph VI is required of these defendants.

7. The allegations of Paragraph VII of the complaint are admitted.

8. For answer to Paragraph VIII, these defendants say that the provisions of Sections 24-14 and 24-12 of the Code [fol. 125] of Virginia speak for themselves. These defendants neither admit nor deny the accuracy of the matters set forth in Exhibits "A" and "B" annexed to the complaint and call for strict proof of the same.

9. For answer to Paragraph IX of the complaint, these defendants say that the General Assembly of Virginia, at its regular session of 1962, amended Sections 24-14 and 24-12 of the Virginia Code, which amendments will become effective on June 29, 1962. These defendants neither admit nor deny the remaining allegations of said Paragraph IX, including the accuracy of the matters set forth in Exhibits "C" and "D" annexed to the complaint and call for strict proof of the same.

10. The allegations of Paragraph X of the complaint are denied.

11. The allegations of the first sentence of Paragraph XI of the complaint are denied. These defendants neither admit nor deny the remaining allegations of Paragraph XI of the complaint, including the accuracy of the matters set forth in Exhibit "E" annexed to the complaint and call for strict proof of the same.

12. The allegations of Paragraph XII of the complaint are denied.

13. The allegations of Paragraph XIII of the complaint are denied.

14. For answer to Paragraph XIV of the complaint, these defendants say that the 1962 regular session of the General Assembly of Virginia has been adjourned, that the General Assembly of Virginia will not reconvene until January, 1964, unless a special session is called, and that there will be elections throughout the Commonwealth of Virginia for members of the House of Delegates and Senate of Virginia prior to January, 1964. The remaining allegations of Paragraph XIV of the complaint are denied.

Now having fully answered, these defendants pray to be hence dismissed with their costs in this behalf expended.

Levin Nock Davis, Secretary, State Board of Elections;

Alexander M. Harman, Jr., Robert C. Bayliss, Members, State Board of Elections;



A. S. Harrision, Jr., Governor of Virginia;  
 Robert Y. Button, Attorney General of Virginia;  
 By: Robert Y. Button, Of Counsel.

Robert Y. Button, Attorney General of Virginia.  
 R. D. Mellwaine, III, Assistant Attorney General.  
 Supreme Court—State Library Building, Richmond 19,  
 Virginia.

Certificates of Service (omitted in printing).

[fol. 133]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF VIRGINIA  
 Civil Action No. 2604

[Title omitted]

ANSWER TO INTERVENORS' COMPLAINT—Filed June 15, 1962

Now come Levin Nock Davis, Secretary of the State Board of Elections of the Commonwealth of Virginia, Alexander M. Harman, Jr., and Robert C. Bayliss, Members of the State Board of Elections of the Commonwealth of Virginia, A. S. Harrison, Jr., Governor of Virginia, and Robert Y. Button, Attorney General of Virginia, and file their joint and several answer to the intervening petition herein and say:

1. The allegations of Paragraph I of the intervening petition require no answer.
2. These defendants neither admit nor deny the allegations of Paragraphs II, III and IV of the intervening petition and call for strict proof of the same.
3. The allegations of Paragraph V of the intervening petition require no answer.
4. The allegations of Paragraph VI of the intervening petition are denied.

5. For answer to Paragraph VII of the intervening petition, these defendants say that the provisions of 28 USCA 2281 and 2284 speak for themselves and that no answer to said paragraph is required of these defendants.

[fol. 134] 6. These defendants neither admit nor deny the allegations of Paragraph VIII of the intervening petition and call for strict proof of the same.

7. The allegations of Paragraph IX, (A) and (B), of the intervening petition are admitted.

These defendants admit that Robert Y. Button is the Attorney General of Virginia and is required to be notified, as alleged in (C) of said intervening petition, but these defendants deny that the said Robert Y. Button is charged with the duties as therein alleged.

These defendants admit that W. L. Prieur, Jr., is Clerk of the Corporation Court of the City of Norfolk, and that he is charged with the duty of making out certificates of election for persons having the highest number of votes for any county or district office, and with the performance of other duties in connection with elections. The remaining allegations of (D) are denied.

These defendants admit that James M. Wolcott, Joseph T. Fitzpatrick and James E. Baylor are members of the Electoral Board of the City of Norfolk and that they are charged with the duty of preparing ballots used in elections. The remaining allegations of (E) of the intervening petition are denied.

8. For answer to Paragraph X of the intervening petition, these defendants admit that intervenors seek a declaration of their rights and of the validity or invalidity of the statutes of Virginia which apportion members of the House of Delegates and the Senate of Virginia among the counties and cities of the Commonwealth. The remaining allegations of said Paragraph X of the intervening petition are denied.

9. For answer to Paragraph XI of the intervening petition, these defendants say that the provisions of Sections 41 to 43, inclusive, of the Constitution of Virginia speak for

[fol. 135] themselves and that no answer to said Paragraph XI is required of these defendants.

10. The allegations of Paragraph XII of the intervening petition are admitted.

11. For answer to Paragraph XIII of the intervening petition, these defendants say that the provisions of Sections 24-14 and 24-12 of the Virginia Code speak for themselves. These defendants neither admit nor deny the accuracy of the matters set forth in Exhibits "A" and "B" annexed to the original complaint, and call for strict proof of the same.

12. For answer to Paragraph XIV of the intervening petition, these defendants say that the General Assembly of Virginia at its regular session of 1962 amended Sections 24-14 and 24-12 of the Virginia Code, which enactments will become effective on June 29, 1962. These defendants neither admit nor deny the remaining allegations of said Paragraph XIV, including the accuracy of the matters set forth in Exhibits "C" and "D" annexed to the original complaint, and call for strict proof of the same.

13. The allegations of Paragraph XV of the intervening petition are denied.

14. The allegations of the first sentence of Paragraph XVI of the intervening petition are denied. These defendants neither admit nor deny the remaining allegations of said Paragraph XVI of the intervening petition, including the accuracy of the matters set forth in Exhibit "E" annexed to the original complaint, and call for strict proof of the same.

15. The allegations of Paragraph XVII of the intervening petition are denied.

16. The allegations of Paragraph XVIII of the intervening petition are denied.

17. The allegations of Paragraph XIX of the intervening petition are denied.

[fol. 136] 18. For answer to Paragraph XX of the intervening petition, these defendants say that the 1962 regular session of the General Assembly of Virginia has been adjourned, that the General Assembly will not reconvene until January, 1964, unless a special session is called, and that elections will be held throughout the Commonwealth for members of the House of Delegates and Senate of Virginia prior to January, 1964. The remaining allegations of said Paragraph XX of the intervening petition are denied.

19. The allegations of the first sentence of Paragraph XXI of the intervening petition are admitted. The remaining allegations of said Paragraph XXI of the intervening petition are denied.

Now, having fully answered, these defendants pray to be hence dismissed, with their costs in this behalf expended.

Levin Nock Davis, Secretary, State Board of Elections;

Alexander M. Harman, Jr., Robert C. Bayliss, Members, State Board of Elections;

A. S. Harrison, Jr., Governor of Virginia;

Robert Y. Button, Attorney General of Virginia;

By: Robert Y. Button, Of Counsel.

Robert Y. Button, Attorney General of Virginia.

R. D. McIlwaine, III, Assistant Attorney General.

Supreme Court—State Library Building, Richmond 19, Virginia.

[fol. 137] Certificates of Service (omitted in printing).



[fol. 138]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF VIRGINIA  
 ALEXANDRIA DIVISION  
 Civil Action No. 2604

[Title omitted]

MOTION OF PLAINTIFFS AND INTERVENOR PLAINTIFFS FOR  
 LEAVE TO AMEND PRAYERS OF COMPLAINT—Filed June 20,  
 1962

The plaintiffs and intervenor plaintiffs move the Court for leave to amend the prayers of the complaint in this action by adding thereto an additional prayer number 3C, to read as follows:

3C. That in the alternative and unless the General Assembly of the Commonwealth promptly and fairly reapportions said Senate and House districts, this Court shall reapportion said district itself so as to give to plaintiffs and intervenor plaintiffs, and others similarly situated, fair and proportionate representation in the Senate and House Delegates of the Commonwealth.

As grounds for the foregoing motion it is averred that the proposed amendment to the complaint is necessary in order to give to plaintiffs, intervenor plaintiffs, and others similarly situated, adequate relief and the equal protection of the laws to which they are entitled under the [fol. 139] Fourteenth Amendment of the Constitution of the United States.

Edmund D. Campbell, E. A. Prichard, Attorneys  
 for Plaintiffs.

Sidney H. Kelsey, Henry E. Howell, Jr., Leonard  
 B. Sachs, Attorneys for Intervenor Plaintiffs.

Certificate of Service (omitted in printing).

[fol. 170]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Civil Action No. 2604

[Title omitted]

ANSWER TO COMPLAINT—Filed October 24, 1962

Comes Now the defendants Thomas P. Chapman, Paul Kincheloe, Jones Jasper and Ebner R. Duncan and file their joint and several answer to the complaint herein and say:

1. That they adopt by reference those statements contained in the Answer filed heretofore on behalf of the defendants Levin Nock Davis, Alexander M. Harmann, Jr., A. S. Harrison, Jr. and Robert Y. Button by the office of the Attorney General of the Commonwealth of Virginia applicable to their position as co-defendants and rely thereon for their answer to said complaint of plaintiffs.

2. That they adopt by reference all exhibits and briefs filed in this cause by the office of the Attorney General of The Commonwealth of Virginia as their own and as fully as if set forth herein.

Now having fully answered, these defendants pray to be hence dismissed with their costs in this behalf expended.

Thomas P. Chapman, Clerk;

Paul Kincheloe, Ebner R. Duncan and Jones Jasper,  
Members, Electoral Board, Fairfax, Virginia;

By Robert C. Fitzgerald, Commonwealth Attorney  
for Fairfax County, Virginia;

By Quin S. Elson, Asst. Commonwealth Attorney  
for Fairfax County, Virginia.

Robert C. Fitzgerald, Commonwealth's Attorney, Fairfax County, Virginia.

Certificate of Service (omitted in printing).

[fol. 171]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
At Alexandria

Civil Action No. 2604

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HARRISON MANN et al., Plaintiffs,

v.

LEVIN NOCK DAVIS et al., Defendants.

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Argued October 22-23, 1962.

Before: Bryan, Circuit Judge, and Hoffman and Lewis,  
District Judges.

Edmund D. Campbell, Esquire, Arlington, Virginia, and  
E. A. Prichard, Esquire, Fairfax, Virginia, attorneys for  
the plaintiffs;

Henry E. Howell, Jr., Esquire, Sidney H. Kelsey, Es-  
quire and Leonard B. Sacks, Esquire, all of Norfolk, Vir-  
ginia, attorneys for the plaintiff-intervenors;

Robert Y. Button, Esquire, Attorney General of Virginia,  
R. D. Mellwaine, III, Esquire, Assistant Attorney Gen-  
eral of Virginia, David J. Mays, Esquire, and Henry T.  
Wickham, Esquire, all of Richmond, Virginia, attorneys for  
the defendants.

[fol. 172]

OPINION—Decided November 28, 1962

ALBERT V. BRYAN, Circuit Judge:

Virginia's legislative apportionment statutes\* of 1962  
are here assailed as violative of the Equal Protection Clause

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\* Chap. 635, 1962 Acts of Assembly, p. 1266, entitled "An Act to  
amend and reenact §24-14, as amended, of the Code of Virginia,  
relating to State senatorial districts", and Chap. 638, p. 1269,

of the Federal Constitution's Fourteenth Amendment. Plaintiffs (including intervenors) are registered and otherwise qualified voters of the State of Virginia residing, respectively, in Arlington County, Fairfax County and the City of Norfolk. Their complaint is that the apportionment reduces the value of a vote in these districts far below that of a vote in many other Senatorial and House districts of Virginia. The charge, we hold, has been proved.

The civil rights statutes, 42 U.S.C. §§ 1983 and 1988, are pleaded as authorizing the action; jurisdiction is rested on 28 U.S.C. § 1343(3): Alleging they sue on behalf of all other voters similarly situated in the Commonwealth of Virginia, as well as for themselves, plaintiffs name as defendants the members of the State Board of Elections and local election officials, together with the Governor and the Attorney General of Virginia.

The relief sought is: (1) a judgment voiding the apportionment acts, (2) injunctive restraint of the defendants from conducting elections under these laws, and (3) an apportionment by the Court if the General Assembly fail, after the decree of injunction, to reapportion the State in conformity with legal standards.

[fol. 173] I. Defendants move on several grounds to dismiss the complaint. However, *Baker v. Carr*, 369 U.S. 186 (1962) unequivocally declares, contrary to the first assertion of the motion, that allegations comparable to those now before us state a claim upon which the relief here prayed may be granted. Nor is dismissal justified on the further ground that the plaintiffs have an appropriate remedy in the Virginia courts, for the "exceptional circumstances" are not here for the State remedy to oust Federal jurisdiction. *Lane v. Wilson*, 307 U.S. 268, 274 (1939); *United States v. Bureau of Revenue*, 291 F.2d 677, 679 (10 Cir. 1961); *Carson v. Warlick*, 238 F.2d 724, 729 (4 Cir. 1956), cert. denied, 353 U.S. 910 (1957). Nor is this a suit against a

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entitled "An Act to amend and reenact §24-12, as amended, of the Code of Virginia, relating to apportionment of the members of the House of Delegates", both approved April 7, 1962.



State barred by the Eleventh Amendment, as defendants contend. It is a suit against State officials acting pursuant to State laws, a type of action universally held appropriate to vindicate a Federally protected right. *Ex parte Young*, 209 U.S. 123, 155-56 (1908). *Duckworth v. James*, 267 F.2d 224, 230-31 (4 Cir.), cert. denied, 361 U.S. 835 (1959); *Kansas City S&W Ry. v. Daniel*, 180 F.2d 910, 914 (5 Cir. 1950). Likewise contrary to the motion, we find the complaint pleads a class action; it pleads, too, an actual controversy within the Declaratory Judgment Act, 28 U.S.C. § 2201. We sustain, however, the motion to dismiss the Governor and the Attorney General of Virginia as defendants, for they have no "special relation" to the elections in suit. *Ex parte Young*, 209 U.S. 123, 157 (1908).

The remaining ground of the motion asks us to stay the case until the plaintiffs procure the State courts' views [fol. 174] upon the validity of the apportionment. But in our understanding of it abstention is not appropriate here. To begin with, there is no ambiguity in the statutes; they are not in need of interpretation, for they exactly fix and announce the representation of the General Assembly districts. Nor are the Virginia Constitution's provisions, which sired the acts and are quoted in a moment, lacking in clarity. These provisions, argue the defendants, purposely do not outline the criteria by which the apportionment is to be made and advisedly leave the standards to the judgment of the General Assembly. This suggests, defense counsel urge, that Virginia's own courts should first pass upon the composition of the districts, for they are presumably more intimately acquainted with the local conditions doubtlessly weighed by the General Assembly in the passage of the acts. The answer is that there is nothing in the State Constitution referring the General Assembly to any specific local considerations peculiarly within its knowledge. Whether the acts of the Assembly are within the aim and purpose of the Constitution can, therefore, be gained only from the bare words of its clauses, fair inferences from the acts themselves and commentary evidence. This determination is thus as well within the competence of a Federal court sitting in Virginia.

Furthermore, the strong implication of *Baker v. Carr*, if not its command, is that the Federal three-judge court should retain and resolve the litigation. The decision was so read by the Court in *Toombs v. Fortson*, 205 F.Supp. [fol. 175] 248 (N.D. Ga. 1962). Nothing different can be spelled from *Scholte v. Hare*, 369 U.S. 429 (1962). That case was sent back to the State court because it had its origin there, not because the Supreme Court preferred the State court. We find no precedent for abstention in the circumstances of our case.

II. The sections of the Virginia Constitution in suit are these:

"§ 40. General Assembly to consist of Senate and House of Delegates.—The legislative power of the State shall be vested in a General Assembly which shall consist of a Senate and House of Delegates.

"§ 41. Number and election of senators.—The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts on the Tuesday succeeding the first Monday in November.

"§ 42. Number and election of delegates.—The House of Delegates shall consist of not more than one hundred and not less than ninety members, who shall be elected biennially by the voters of the several house districts, on the Tuesday succeeding the first Monday in November.

"§ 43. Apportionment of Commonwealth into senatorial and house districts.—The present apportionment of the Commonwealth into senatorial and house districts shall continue; but a reapportionment shall be made in the year nineteen hundred and thirty-two and every ten years thereafter."

The 1962 acts of the General Assembly established 36 senatorial districts, assigning them 40 Senators, and 70 districts for the House of Delegates, distributing 100 mem-

bers among them. The only ground-rule in the State Constitution for the placement of Senators and Delegates is contained, as we have seen, in its section 43's references [fol. 176] to "apportionment of the Commonwealth into senatorial and house districts" and subsequent "reapportionment". These, obviously, are broad dimensions. *Brown v. Saunders*, 159 Va. 28, 166 S.E. 105, 107 (1932).

Nevertheless, the Equal Protection Clause of the Fourteenth Amendment, as the plaintiffs rightly stress, demands that this apportionment accord the citizens of the State substantially equal representation. Plaintiffs charge that the 1962 statutes so far transgress this mandate of the Federal Constitution as to inflict "invidious discrimination" upon the plaintiffs. The injury is suffered, they aver, through their under-representation in the General Assembly occasioned by the misapportionment of Senators and Delegates—their votes have been diluted because the ratio of their population to the number of their representatives is far greater than in the other districts delineated by the acts.

### The Senate

The disparities in the Senate found in the 1962 apportionment acts are pointed up by the plaintiffs' evidence, as follows:

A citizen of Arlington, Fairfax, or Norfolk has representation or voting power in the Senate of *less* than  $\frac{1}{2}$  of that possessed by a citizen of any of 6 of the 33 remaining districts in the State. Putting it conversely, his voting power is more than 2-times the voting power of any of the plaintiffs. Further, in 5 more of the districts the power of each vote is *almost twice* that of any plaintiff on an average. Thus  $\frac{1}{3}$  of the other 33 senatorial districts are nearly 100% richer in each vote's worth than are the plaintiffs' districts.

[fol. 177] In substantiation of this summary the plaintiffs offered in evidence these figures:

Virginia's 1960 population is 3,966,949. Dividing this total by the number of Senators—40—gives an ideal representation of one Senator for each 99,174 persons.

	Arlington	Fairfax	City of Norfolk
Population	163,401	285,194	304,869
No. of Senators	1	2	2
Population per Senator	163,401	142,597	152,435

District	Population	No. of Senators	Population per Senator
Brunswick			
Lunenburg			
Mecklenburg	61,730	1	61,730
Goochland			
Louisa			
Orange			
Spotsylvania			
City of Fredericksburg	62,523	1	62,523
Culpeper			
Fauquier			
Loudoun	63,703	1	63,703
Clarke			
Frederick			
Shenandoah			
City of Winchester	66,818	1	66,818
[fol. 178]			
Halifax			
Charlotte			
Prince Edward			
City of South Boston	67,100	1	67,100
Dickenson			
Wise			
City of Norton	68,803	1	68,803
Bland			
Giles			
Pulaski			
Wythe	72,434	1	72,434



District	Population	No. of Senators	Population per Senator
Greensville			
Prince George			
Surry			
Sussex			
Hopewell	72,951	1	72,951
Norfolk County			
City of South			
Norfolk (now			
City of Chesapeake)	73,647	1	73,647
Dinwiddie			
Nottoway			
City of			
Petersburg	74,074	1	74,074
Appomattox			
Buckingham			
Cumberland			
Powhatan			
Amherst			
Nelson			
Amelia	76,652	1	76,652

Total: 11 districts

### House of Delegates

In the House plaintiffs contend that a vote in Fairfax has less than  $\frac{1}{4}$  of the voting force of a vote in 4 districts; [fol. 179]  $\frac{1}{3}$ —or less than that—of a vote in at least 16 others; and thus the preferred districts amount to a total of 20 of the other 67 districts in the State. In addition, both Norfolk and Arlington have almost double the individual vote-weight of Fairfax; but these two have only approximately  $\frac{1}{2}$  the ballot-potency of 7 districts. The following figures have been adduced to vouch the contention.

With the State population at 3,966,949 each of the 100 Delegates would presumably represent 39,669 persons.

	Arlington	Fairfax	City of Norfolk
Population	163,401	285,194	304,869
No. of Delegates	3	3	6
Population per Delegate	54,467	95,064	50,812

District	Delegates	Population	Population per Delegate
Shenandoah	1	21,825	21,825
Wythe	1	21,975	21,975
Grayson	1	22,644	22,644
Bland	1	23,201	23,201
Loudoun	1	24,549	24,549
Gloucester	1	25,359	25,359
Franklin	1	25,925	25,925
Rockingham	2	52,401	26,200
Buckingham	1	26,385	26,385
Southampton	1	27,195	27,195
Pulaski	1	27,258	27,258
Charlotte	1	27,489	27,489
Alleghany	1	28,458	28,458
Greensville	1	28,566	28,566
[fol. 180]			
Pittsylvania	2	58,296	29,148
Fluvanna	1	29,392	29,392
City of Charlottesville	1	29,427	29,427
Fauquier	1	29,434	29,434
City of Petersburg	2	58,933	29,466
Amelia	1	29,703	29,703

Total: 20 districts

Note: In all the foregoing tabulations the population figures are 1960 census. Unless otherwise indicated the political subdivisions listed are counties. They include all cities and towns within the

III: The next question is whether this inequality amounts to the invidious discrimination that is held to be unconstitutional. *Williamson v. Lee Optical Co.*, 348 U.S. 483, 489 (1955). True, the imbalance in the districts here appears only in population. While predominant, population is not in our opinion the sole or definitive measure of districts when taken by the Equal Protection Clause. Compactness and contiguity of the territory, community of interests of the people, observance of natural lines, and conformity to historical divisions, such as county lines, for example, are all to be noticed in assaying the justness of the apportionment. Additionally, of course, we must accept as established such reasons for the districting as are fairly conceivable or inferable in and from the result. *McGowan v. Maryland*, 366 U.S. 420, 426 (1961).

[fol. 181] Plaintiffs here proved the inequity of the allotment of representatives on the basis of population. Thereupon the burden to adduce evidence of the presence of other factors which might explain this disproportion passed to the defendants. But none was forthcoming, if indeed it was available. In an attempt to account for the unevenness, defendants adverted to the large segment in Arlington, Fairfax and Norfolk of military or naval personnel, urging that the General Assembly might have deducted their number in determining the popular count in these areas. But this evidence was not explicit or at all satisfactory. Furthermore, it was hardly helpful for it was conceded that Service men and women could, and many of them do, qualify to vote.

There is little doubt that in Virginia population is the overriding consideration in any distribution of representatives. As the Governor of Virginia stated April 7, 1962, in respect to the reapportionment legislation, "Historically, population has been utilized as the principal factor in redistricting in Virginia, although population alone has never been deemed the sole basis of redistricting". Exactitude in

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county boundaries, such as the cities of Falls Church and Fairfax in Fairfax County. We are concerned with both relative representation and relative voting power as between the districts. No distinction need be observed because, obviously, the number of local voters would not exceed local populations.

population is not demanded by the Equal Protection Clause. But there must be a fair approach to equality unless it be shown that other acceptable factors may make up for the differences in the numbers of people. In view of the accent Virginia has put upon population, the very words in her Constitution—"apportionment" and "reapportionment"—seem to envision popular equality. The Oxford English Dictionary (1933 ed.), volumes I and VIII, contains these definitions:

[fol. 182]

"Apportion:

1. . . .

"2. To assign portions or shares; to divide and assign *proportionally*. . . .

" . . .

"Proportional:

"1. . . .

"2. That is in proportion, or in due proportion; having (suitable) comparative relation; *corresponding*, *esp. in degree or amount*." (Emphasis added.)

In this consideration there is no difference in status between the Senators and Delegates in their disposition throughout the State. The Senate and the House each have a direct, indeed the same, relation to the people. No analogy of the State Senate with the Federal Senate in the present study is sound. The latter is a body representative of the States qua States, but the State Senate is not its regional counterpart. State senatorial districts do not have State autonomy. The bicameral system is a creature of history and many of the reasons for its creation no longer obtain. The chief justification for bicameralism in State government now seems to be, the thought that it insures against precipitate action—imposing greater deliberation—upon proposed legislation. See I Bryce, *The American Commonwealth*, 484 (1917 Ed.); Maddox & Fuquay, *State and Local Government*, 130 ff (1962); Macdonald, *American State Government and Administration*, 116 (6th Ed. 1960); Snider, *American State and Local Government*, 161. ff



(1950); compare *Sikes & Stoner, Bates & Field's State Government*, 176 (4th Ed. 1954).

Indulging all of the reasonable inferences which may be fairly drawn from the redistricting, we can find no rational basis for the disfavoring of Arlington, Fairfax and Norfolk. No acceptable formula, plan or design is [fol. 183] shown us to account for the disparate divisions of the State. We do not mean to establish an allowable tolerance of divergence from the ideal district—whether more or less than a specified per centum. Nor do we intend to say that there cannot be wide differences of population in districts if a sound reason can be advanced for the discrepancies. We merely say none is offered here.

Unconstitutional, invidious discrimination adverse to Arlington, Fairfax and Norfolk has been proved. The inequality in the representation and voting rights occasioned Arlington, Fairfax and Norfolk is a grave deprivation, constitutionally impermissible. That there may be other districts also disadvantaged by the reapportionment has not been overlooked.\* But these additional deviations do not prove the apportionment right or make the plaintiffs whole. Furthermore, as we annul the acts in their entirety, the General Assembly can hereafter reexamine and reappraise the circumstances of any other prejudiced district.

IV. We will enter a judgment declaring the invalidity of the acts. It will also enjoin the defendants from proceeding under this legislation. Prior apportionment statutes have been repealed by the 1962 acts, the defendants concede, and they agree too there is no possibility here of the revival of prior apportionment statutes. [fol. 184] However, our preference has been, and still is, for the General Assembly of Virginia to square the injustices of the 1962 Acts. But the circumstances did not permit deferment of the determination of this suit until the next regular session of the Legislature, which convenes in Janu-

\* Such as, for example, these *Senate Districts*: (1) Accomack, Northampton, Princess Anne, Virginia Beach; (2) Franklin, Montgomery, Radford, Roanoke; and (3) Newport News, York; and these *House Districts*: (1) Botetourt, Roanoke, Craig; (2) Chesterfield, Colonial Heights; (3) Hampton City; and (4) Portsmouth City.

ary 1964. To begin with, the Senators elected in 1963 would not take office until January 1964 and would serve until January 1968. Similarly, Delegates chosen in 1963 would enter in January 1964 and be in office until January 1966. The disproportionate representations could not be righted by the 1964 General Assembly prior to 1966 in the case of Delegates, and not until 1968 as to the Senators, for there would not be another House election before 1965 and none for the Senate prior to 1967. This delay would be unreasonable.

Nor can we now defer until the 1964 General Assembly the effectuation of our decision. Aside from the reasons just enumerated for the inadvisability of initially continuing the case, to do so now would be to allow the elections scheduled for 1963 to proceed under statutes we have found invalid. However, the present General Assembly may without question take the necessary corrective measures to readjust the district lines.

To achieve these ends, we will stay the operation of the injunction until January 31, 1963, so that the present General Assembly may be convened in special session to enact appropriate reapportionment laws, or the defendants may appeal to the United States Supreme Court. Meanwhile jurisdiction of the cause will be retained, but any further stay of the injunction must be sought from the Supreme Court or one of its Justices. If neither of the steps just mentioned is taken or, if taken, does not result either in [fol. 185] meeting or altering our decision, then the plaintiffs may apply to this court for such further orders as may be required.

An order will be entered in accordance with this opinion.

Albert V. Bryan, United States Circuit Judge.

I concur:

Orem R. Lewis, United States District Judge.

[fol. 186]

HOFFMAN, District Judge, dissenting:

With deference and respect to my learned colleagues, I must dissent.

In 1931 the late Mr. Justice Holmes, speaking for the Court in *Bain Peanut Co. v. Pinson*, 282 U. S. 499, 501, said:

"We must remember that the machinery of government would not work if it were not allowed a little play in its joints."

Unlike the legislatures of many states, Virginia has reapportioned the senatorial and house districts in accordance with the mandate of Sec. 43 of the Virginia Constitution, i.e., in the year 1932 and every ten years thereafter. Admittedly the task of reapportionment is a difficult one and, while discrimination is now apparent when considered in the light of population alone, I am unwilling at this moment to say that it is "invidious". Nor am I able to conclude in law and in fact that Virginia's 1962 Reapportionment Act constitutes "arbitrary and capricious state action" offensive to the Equal Protection Clause of the Fourteenth Amendment in the absence of further guidance from the highest court of our nation or state. In my judgment the decision of the majority places too much emphasis upon the weighted vote of one county, city, or district as contrasted with the weighted vote in another county, city or district.

The landmark decision in *Baker v. Carr*, 369 U. S. 186, was handed down on March 26, 1962. The opinion of the Court, written by Mr. Justice Brennan, consumes 55 pages. Separate concurring opinions by Mr. Justice Douglas, Mr. Justice Clark, and Mr. Justice Stewart require 25 pages. Dissenting opinions by Mr. Justice Frankfurter and Mr. Justice Harlan are contained within 83 pages. It is indeed difficult for judges and attorneys to fully understand the impact of *Baker v. Carr*—to say nothing of legislators upon whom the primary responsibility of reapportionment rests.

The General Assembly of Virginia convened in regular session during January, 1962. It meets every two years. While the specific Acts, now held to be unconstitutional by the majority, were not approved by the Governor until April 7, 1962, the General Assembly had ceased transacting its legislative business several weeks prior thereto. Thus, when *Baker v. Carr* was decided, the General Assembly was no longer in session. The Governor, in approving H.B. 250 and S.B. 145, took cognizance of the decision but concluded

that "the recent Tennessee case need not be cause for alarm in Virginia". While I cannot agree that the entire matter [fol. 187] may be dismissed so summarily, I am of the opinion that the federal court should abstain in order to permit the removal of the existing disparities on the state level.

This is not to suggest that the General Assembly has not already had an opportunity to correct defects in apportionment at the 1962 regular session. The Report of the Commission on Redistricting made substantial progress in adjusting the inequities, but the General Assembly did not see fit to follow this report other than in two or three instances. However that may be, the General Assembly was not confronted with *Baker v. Carr*, and the subsequent decisions at that time. At a later date more mature consideration would undoubtedly bring about adjustments.

Plainly there is not complete unanimity of opinion in *Baker v. Carr*. As Mr. Justice Stewart said in his concurring opinion, (369 U. S. 186):

"The Court today decides three things and no more: '(a) that the court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which appellants would be entitled to appropriate relief; and (c) \* \* \* that the appellants have standing to challenge the Tennessee apportionment statutes.'

"Contrary to the suggestion of my Brother Harlan, the Court does not say or imply that 'state legislatures must be so structured as to reflect with approximate equality the voice of every voter' \* \* \* The Court does not say or imply that there is anything in the Federal Constitution 'to prevent a State, acting not irrationally, from choosing any electoral legislative structure it thinks best suited to the interests, temper, and customs of its people'. \* \* \* And contrary to the suggestion of my Brother Douglas, the Court most assuredly does not decide the question, 'may a State weight the vote of one country or district more heavily than it weights the vote in another?'"



The effect of today's decision will open the floodgates to litigation which may be continuous. The majority acknowledges that "there may be other districts also disadvantaged by the reapportionment". Indeed there are although, as yet, they have not seen fit to attack the constitutionality of the Acts in controversy. Accepting the premise that an ideal representation of one Senator is 99,174 persons, and conceding that there are 11 senatorial districts which are rather obviously over-represented, where is the stopping point?

[fol. 188] By way of illustration:

District	Population	No. of Senators	Population per Senator
Accomack )			
Northampton )			
Princess Anne )	131,816	1	131,816
Virginia Beach )			
Franklin County )			
Montgomery )			
Radford )	129,912	1	129,912
Roanoke County )			
Newport News )			
York County )	135,245	1	135,245

The foregoing compare somewhat favorably with the population per Senator in Fairfax which is 142,597, and which is designated as comprising Fairfax County, Fairfax City and Falls Church. The Senate disparity in the City of Norfolk (152,435) and County of Arlington (163,401) is, of course, greater.

Turning to the House of Delegates we find the ideal representation per Delegate to be 39,669 persons. As pointed out by the majority, there are 20 districts which are favored and which vary from "the ideal" by at least 25%. There are likewise districts, which, along with the plaintiffs herein, are subjected to disparity. For example:

District		Delegates	Population	Population per Delegate
Botetourt	)			
Roanoke County	)	1	81,764	81,764
Craig	)			
Chesterfield	)			
Colonial Heights	)	1	80,784	80,784
Hampton	)	1	89,258	89,258
Portsmouth	)	2	114,773	57,386

No attempt has been made to cite the Delegate disparity in certain other districts, apparently under-represented, but which are included in more than one district under the 1962 Act. They are:

Amherst and Lynchburg  
Henrico  
Isle of Wight, Nansemond and Suffolk  
Lynchburg  
Roanoke County

It is sufficient to note, however, that the following districts have more cause to complain as to disparity in the House of Delegates than either Arlington or Norfolk, two of the three plaintiffs in this action:

Botetourt, Craig and Roanoke County  
Chesterfield and Colonial Heights  
Hampton  
Portsmouth

[fol. 189] The interlocutory order to be entered in this case will afford Virginia two alternatives—appeal to the United States Supreme Court or the convening of an extra session of the General Assembly. If the extra session is convened, the appeal will be moot. Assuming *arguendo* that later reapportionment takes care of the needs of Fairfax, Arlington and Norfolk, the additional representatives must be taken from other areas. We would undoubtedly be faced with further litigation as to any county, city or district

where the deviation is beyond 25% of the ideal. Granting relief at this time without sufficient guideposts to govern our action establishes a dangerous precedent.

For all practical purposes this case is decided upon the exhibits and the testimony of a representative of the Bureau of Public Administration, an agency of the University of Virginia. In the report of the Bureau to the Governor's Commission on Redistricting, dated July 10, 1961, it is said:

"It is recommended that the deviation from the ideal size be as little as possible, with most deviations within 15 per cent of ideal size, and exceptions in the most difficult situations within 25 per cent. *It is indeed difficult, if not impossible, to justify deviations beyond 25 per cent.*"

I have no quarrel with the author of that statement—it may be correct—but before approving or disapproving it is my view that a three-judge federal court should be fortified with more authoritative statements as to what constitutes "invidious" discrimination or "arbitrary and capricious state action". Admittedly the population has—and will in the future—be the predominant factor in determining equality of representation. The majority concludes that the plaintiffs have proved the inequity of the allotment of representatives on the basis of population alone. I agree. While the burden of going forward with the evidence may then pass to the defendants, the mere failure to disprove discrimination by population does not, in my opinion, establish "invidious" discrimination when Virginia's overall picture is reviewed. It should be remembered that every intendment must be resolved in favor of constitutionality and the burden of showing unconstitutionality is on those who assail it. *McGowan v. Maryland*, 366 U. S. 420, 425-426; *Metropolitan Casualty Ins. Co. v. Brownell*, 294 U. S. 580, 584; *Toombs v. Fortson*, 205 F. Supp. 248, 256. Proof of discrimination is not, standing alone, sufficient.

While the constitutional requirements of the State of New York differ from those in Virginia, it is significant that a three-judge federal court in New York recently upheld the apportionment of the Senate and Assembly dis-

tricts in *W. M. C. A., Inc. v. Simon*, 208 F. Supp. 368, where the weighted vote demonstrates a far greater disparity [fol. 190] than that which exists in Virginia.

In summary, I view the decision of the majority as, at the very least, intimating that proof of disparity in population is all that is needed. It is contrary to what was said in *MacDougall v. Green*, 335 U. S. 281, 283:

"To assume that political power is a function exclusively of numbers is to disregard the practicalities of government."

In the exercise of our discretionary power as a court of equity and in the public interest, I would retain jurisdiction of this case pending appropriate action in the state courts of Virginia. *Pennsylvania v. Williams*, 294 U. S. 176. This is true even though the rights asserted are strictly federal in origin, *Hawks v. Hamill*, 288 U. S. 52. I can visualize no more delicate a field for the federal courts to refrain from entering, especially where the overall representativeness is as great as in Virginia.

Virginia stands eighth in the nation in an index of representativeness among state legislatures as prepared by the Bureau of Public Administration of the University of Virginia subsequent to the passage of the 1962 Act. More proportionate representation is available only in Oregon, Massachusetts, New Hampshire, West Virginia, Maine, Wisconsin and Alaska. In determining whether the 1962 Reapportionment Act constitutes "arbitrary and capricious state action" or, as described by the majority, "invidious" discrimination, are we to look at the entire pattern of apportionment or should we only consider apportionment of one district as against another? These are, in my judgment, unanswered questions.

One must look to the background of *Baker v. Carr* in order to arrive at the reason for the conclusion reached by the United States Supreme Court. Tennessee's Constitution provided a standard for allocating legislative representation among the several counties or districts according to the total number of qualified voters residing in the respective counties. Decennial reapportionment was likewise re-



quired. For a period of 60 years since 1901, all proposals for reapportionment were defeated in both Houses of the General Assembly. There was no provision for initiative and referendum. The constitutional convention route was thwarted by the Assembly where the call must originate. Of particular significance is the fact that the voters en-[fol. 191] deavored to proceed in the Tennessee Courts without success. These efforts, among others, caused Mr. Justice Clark to say (369 U. S. 259):

"I have searched diligently for other 'practical opportunities' present under the law. I find none other than through the federal courts."

It was as a last resort that Mr. Justice Clark would "consider intervention by this Court into so delicate a field". Simply stated there was no other relief available to the people of Tennessee.

The state courts are open to voters seeking reapportionment rights under the Equal Protection Clause of the Fourteenth Amendment and Civil Rights Act is plain. *Scholle v. Hare*, 369 U. S. 429, where the origin of the litigation was in the state court; *Brown v. Saunders*, 159 Va. 28, 166 S. E. 105, where the Supreme Court of Appeals of Virginia, held the Acts of Assembly, 1932, to be void by reason of a division of the state into congressional districts as being in conflict with Section 55 of the Constitution of Virginia. And in *Lein v. Sathre*, 201 F. Supp. 535, a three-judge federal court in North Dakota stayed proceedings to afford an opportunity to the Supreme Court of North Dakota to pass upon questions arising under the North Dakota reapportionment provisions contained in its Constitution. As early as 1951, a three-judge federal court in Pennsylvania, *Remmey v. Smith*, 102 F. Supp. 708, 711, app. dism. 342 U. S. 916, speaking through Circuit Judge Biggs, stated in an action to declare an apportionment act unconstitutional:

"The determination which the plaintiffs would have us make lies in that extremely sensitive field, the relation of the powers of the National Government to those of the States. Here, of all places, a federal court should tread warily and with great circumspection and should

forego any action where relief may be furnished by the State. This court should not intervene where an apparent, but untried, remedy may lie in the Courts of the Commonwealth of Pennsylvania."

[fol. 192] I agree that there is no ambiguity in the particular statutes under consideration and they are not in need of interpretation *per se*. As construed in conjunction with Sections 41, 42 and 43 of the Virginia Constitution, a state court determination will, at the very least, furnish a guide for future action. I cannot agree that we should disregard the doctrine of abstention merely because the subject matter of the inquiry lies within the competence of a federal court sitting in Virginia; nor do I believe that ambiguity and need for interpretation constitute the only basis for resorting to abstention. There are numerous cases where abstention has been sanctioned on grounds of comity with the States in order to avoid a result in "needless friction with State policies". *Railroad Com. v. Pullman Co.*, 312 U. S. 496; *Pennsylvania v. Williams*, *supra*. That the United States Supreme Court favors the doctrine of abstention is apparent from its more recent decisions. *Harrison v. NAACP*, 360 U. S. 167; *Louisiana Power & Light Co. v. Thibodaux*, 360 U. S. 25; *Martin v. Creasy*, 360 U. S. 219. Of the four cases decided on June 8, 1959, involving the doctrine of abstention, only in *County of Alleghany v. Mashuda Co.*, 360 U. S. 185, did the Supreme Court reject abstention and the initial paragraph of the opinion pointedly suggests that the case "would not entail the possibility of a premature and perhaps unnecessary decision of a serious federal constitutional question, would not create the hazard of unsettling some delicate balance in the area of federal-state relationships, and would not even require the District Court to guess at the resolution of uncertain and difficult issues of state law."

Since *Baker v. Carr* there have been only two cases, from which it appears that the doctrine of abstention was affirmatively raised, where the court declined to abstain. In *Toombs v. Fortson*, 205 F. Supp. 248, a three-judge federal court in Georgia elected to dispose of the entire case without "leaving part of it in limbo pending a later decision by

a State Court". Such is not this case. I do not agree with that portion of the opinion in *Toombs v. Fortson* which intimates that *Baker v. Carr* has held that the doctrine of abstention should be ignored in apportionment cases. Likewise in *Sanders v. Gray*, 203 F. Supp. 158, a three-judge [fol. 193] federal court in Georgia, composed of two of the three judges sitting in *Toombs*, held that there was no adequate state remedy in view of the holding of the Supreme Court of Georgia in *Cox v. Peters* (Ga. 1951) 67 S. E. (2d) 579.

Unlike *Lisco v. McNichols*, 208 F. Supp. 471, where the General Assembly of Colorado had repeatedly refused to apportion in accordance with the Colorado Constitution, Virginia has reapportioned at ten year intervals as required by the bare wording of her Constitution. To prevent a multitude of actions which will undoubtedly result following any hasty reapportionment at any extra session of the General Assembly of Virginia, the entire matter may be resolved by retaining jurisdiction and relegating the parties to the state court for a decision under Virginia's Declaratory Judgment Act.

Wisconsin, a state which claims greater proportionate representativeness than Virginia, has been involved in recent apportionment litigation. *Wisconsin v. Zimmerman*, — F. Supp. —, decided August 14, 1962. Expressing a reluctance to enter orders or directives in such a case, the three-judge federal court dismissed the action without prejudice to the rights of plaintiffs to again file suit after August 1, 1963. The Court noted that a great disparity in population did exist, although not comparable with Tennessee. The action by the federal court in Wisconsin was taken despite the fact that (1) the Wisconsin Supreme Court "had again denied relief", (2) the 1961 legislature did not comply with the requirements of the state constitution, (3) the 1962 special session did nothing to afford relief, and (4) the next session of the legislature would not convene until January, 1963.

We are told that the element of time compels us to act. It is quite true that candidates for the House and Senate must announce their intention by April 15, 1963, if their names are to be considered in any primary election next

July. Unless a candidate elects to proceed by way of mandamus in the Supreme Court of Appeals of Virginia—as was done in *Brown v. Saunders*, supra—it is a foregone conclusion that a proceeding under the Virginia Declaratory Judgment Act would not reach the highest court of the State until after the 1963 general election. At that time members of the House and Senate would be elected under [fol. 194] the 1962 Reapportionment Act. If the regular session of the General Assembly failed to take appropriate action, the state court, or federal court if necessary, could then act. If the 1962 Act is unconstitutional, there is no security of office afforded to the members of the General Assembly. They would, of course, remain as a legislative body for the purpose of doing what the majority opinion now compels them to do in the absence of an appeal.

If they fail to adhere to their constitutional duty, the 1962 Act does not become constitutional by mere inaction. When we balance the equities, it is certainly more appropriate to permit the General Assembly of Virginia to maturely consider the vital issue of voter representation in the light of *Baker v. Carr* and subsequent decisions, rather than to force hasty action which has been known to bring about the enactment of obviously unconstitutional measures. While I would favor the doctrine of abstention to permit the state court to initially determine the questions at hand, as a final alternative I would continue this case until thirty days following the adjournment of the next regular or extra session of the General Assembly of Virginia.

In the event the defendants do not see fit to appeal from the order to be entered pursuant to the majority opinion, and if the General Assembly is not convened in extra session by the Governor, the only alternative will be for this Court to reapportion the State in conformity with legal standards. While I agree that this may be done where the legislature fails to act, it would undoubtedly result in the adoption of Plan "A" (with minor exceptions) which is substantially a mathematical computation according to population, with a maximum deviation of twenty-four per cent. Certainly this Court has nothing else upon which to base its action. When we consider other states, such as New York, Maryland and Hawaii, where the concentration of



population is in one major city, it may be inappropriate to rely so heavily upon population. With the trend of population in Virginia toward urban development, the voting power in this State may soon be vested in the cities. It may benefit Virginia as a whole, but this decision should rest [fol. 195] with its elected representatives and not with a federal court.

A new approach created by new decisions should give rise to action with "deliberate speed" in protecting constitutional rights of those who are subjected to discrimination, but it does not necessarily mean that such discrimination must be corrected forthwith.

[fol. 196] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

At Alexandria

Civil Action No. 2604

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HARRISON MANN *et al.*, Plaintiffs,

v.

LEVIN NOCK DAVIS *et al.*, Defendants.

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INTERLOCUTORY ORDER—November 28, 1962

Upon consideration of the complaint and the intervening petition, the motions of the defendants to dismiss, the answers of the defendants, the briefs of counsel, the evidence adduced at the hearing of this action, and the final arguments of counsel, the Court, for the reasons set forth in its opinion filed herein, Orders:

1. That the Governor of Virginia and the Attorney General be, and they are hereby, dismissed as parties defendant to this action;
2. That the motion of the defendants to dismiss the complaint and intervening petition be, and it is hereby, denied;

3. That the Court should, and does hereby, declare and adjudge that the acts of the General Assembly of Virginia, approved April 7, 1962, appearing as Chapter 635, page 1266, and Chapter 638, page 1269 of the 1962 Acts of the Assembly of Virginia, deny the plaintiffs and those persons similarly-situated the equal protection of the laws in contra-[fol. 197] vention of the Fourteenth Amendment of the Constitution of the United States, and that the said acts for that reason are void and of no effect;

4. That the defendants be, and each of them is hereby, restrained and enjoined from proceeding under or pursuant to the said acts of the General Assembly of Virginia; but

5. That the enforcement of said injunction shall be stayed until January 31, 1963 so that (1) the General Assembly of Virginia may, if the Governor of the State or the requisite number of members of the General Assembly are so advised, be called and convened in special session to enact appropriate reapportionment statutes under the Constitution of Virginia and the Constitution of the United States; or that (2) during the said suspension the defendants may appeal to the Supreme Court of the United States for a review of this order, but any further stay of this order shall be sought from the Supreme Court or a Justice thereof;

6. That if neither of the steps stated in the foregoing paragraph is taken, or, if either is taken but it does not alter or meet the determination herein made, then the plaintiffs may apply to this Court for such further orders as may be required; and

7. That jurisdiction of this action be, and it is hereby, retained for the entry of such other orders as may be necessary or proper.

Albert V. Bryan, United States Circuit Judge.

Orem R. Lewis, United States District Judge.

I dissent:

Walter E. Hoffman, United States District Judge.  
November 28, 1962.

[fol. 203]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

At Alexandria

Civil Action No. 2604

[Title omitted]

NOTICE OF APPEAL TO THE SUPREME COURT OF THE  
UNITED STATES—Filed December 10, 1962

I. Notice is hereby given that Levin Nock Davis, Secretary, State Board of Elections; Alexander M. Harman, Jr., Member, State Board of Elections; Robert C. Bayliss, Member, State Board of Elections; H. Bruce Green, Clerk of the Circuit Court, Arlington, Virginia; Thomas P. Chapman, Jr., Clerk of the Circuit Court, Fairfax, Virginia; Denman T. Rucker, Maynard Carlisle, and Ralph Kimble, Members of Electoral Board, Arlington County, Virginia; Paul Kincheloe, Ebner L. Duncan, and Jones Jasper, Members of Electoral Board, Fairfax County, Virginia; William L. Prieur, Jr., Clerk of Corporation Court of City of Norfolk, Virginia; James M. Wolcott, Member, Electoral Board of City of Norfolk, Virginia; Joseph T. FitzPatrick, Member, Electoral Board of City of Norfolk, Virginia; and James E. Baylor, Member, Electoral Board of City of Norfolk, Virginia, the defendants in the above-styled case, hereby appeal to the Supreme Court of the United States from that [fol. 204] part of the interlocutory order entered in this action on November 28, 1962, denying the motion to dismiss the complaint and intervening petition; declaring and adjudging Chapters 635 and 638, Acts of Assembly of Virginia, 1962, void and of no effect as denying the plaintiffs and those persons similarly situated the equal protection of the laws in contravention of the Fourteenth Amendment of the Constitution of the United States; and restraining and enjoining the defendants from proceeding under or pursuant to the said acts of the General Assembly of Virginia.

This appeal is taken pursuant to 28 USC § 1253.

II. The clerk will please prepare a transcript of the record in this case for transmission to the Clerk of the Supreme Court of the United States and include in said transcript the following:

1. The complaint and intervening petition
2. The motions of the defendants to dismiss
3. The answers of the defendants
4. The majority and dissenting opinions of the three-judge district court
5. The interlocutory order of the court
6. All of the exhibits filed by the defendants
7. The deposition of Ralph Eisenberg filed by the plaintiffs
8. The notice of this appeal

III. The following questions are presented by this appeal:

1. Did the three-judge district court err in refusing to dismiss the complaint and intervening petition on the grounds, or any of them, set forth in the defendants' motions to dismiss?

[fol. 205] 2. Did the three-judge court err in declaring and adjudging that Chapters 635 and 638, Acts of Assembly of Virginia, 1962, denied the plaintiffs and those persons similarly situated the equal protection of the laws in contravention of the Fourteenth Amendment of the Constitution of the United States?

3. Did the three-judge district court err in restraining and enjoining the defendants from proceeding under or pursuant to the said acts of the General Assembly of Virginia?

Robert Y. Button, Attorney General of Virginia.

R. D. McIlwaine, III, Assistant Attorney General.

Supreme Court Building, Richmond 19, Virginia.

David J. Mays, Special Counsel.



Henry T. Wickham, Special Counsel, Attorneys for  
Appellants.

Tucker, Mays, Moore & Reed, 1407 State-Planters Bank  
Bldg., Richmond 19, Virginia.

[fol. 206] Proof of Service (omitted in printing).

[fol. 208] Clerk's Certificate to foregoing transcript  
(omitted in printing).

[fol. 209]

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SUPREME COURT OF THE UNITED STATES

No. 797—October Term, 1962

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LEVIN NOCK DAVIS, Secretary, State Board of  
Elections, et al., Appellants,

vs.

HARRISON MANN, et al.

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Appeal from the United States District Court for the  
Eastern District of Virginia.

ORDER NOTING PROBABLE JURISDICTION—June 10, 1963

The statement of jurisdiction in this case having been  
submitted and considered by the Court, probable jurisdic-  
tion is noted.

[fol. 210]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division  
Civil Action No. 2604

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HARRISON MANN, et al., Plaintiffs,

vs.

LEVIN NOCK DAVIS, et al., Defendants.

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Charlottesville, Virginia  
August 28, 1962

Exhibits to Accompany

DEPOSITION OF RALPH EISENBERG—  
Received September 17, 1962

# NEWS Letter

Editor Weldon Cooper

Vol. XXXVII, No. 8

Bureau of Public Administration, University of Virginia, Charlottesville, Virginia

April 15, 1961

## LEGISLATIVE APPORTIONMENT: How Representative is Virginia's Present System

By RALPH EISENBERG, Department of Political Science  
and Bureau of Public Administration,  
University of Virginia

The completion and subsequent publication of the results of the 1960 Federal census have revived the issue of the adequacy of political representation in legislative bodies throughout the United States. The shifts in the pattern of population distribution among the states within the states, and within local units of government, revealed by the census often necessitate adjustments in the apportionment of political representation in legislative bodies. Such modifications in apportionment systems are necessary where population is the basis for representation in a legislative chamber, as in the U.S. House of Representatives. Most state constitutions require that their legislative chambers which based upon population, for representation purposes be reapportioned or redistricted following each decennial census. Therefore, in many states, apportionment is one of the most important issues confronting legislative sessions this year or next year.

### VIRGINIA'S APPORTIONMENT PROBLEM

The Commonwealth of Virginia must face this issue in the 1962 session of the General Assembly. The Virginia Constitution provides that a reapportionment of senatorial and house districts "... shall be made ... every ten years ...".<sup>1</sup> The Constitution does not stipulate explicitly that the basis of apportionment in both houses of the General Assembly is to be population. Nevertheless, population has been the basis for representation in both

the House of Delegates and the State Senate. The General Assembly employed population as the basis for its reapportionments following the 1940, and 1950 censuses when it exercised the constitutional directive to reapportion.<sup>2</sup> Although population was consistently the basis for the apportionment of those years, it was not specifically mentioned in the statutes that detailed the representation allotted to the counties and cities of the Commonwealth.

The 1952 reapportionment acts divided the Commonwealth into 76 districts for the election of the 100 members to the House of Delegates and into 36 districts for the election of 40 State Senators. A slight and nonsubstantial amendment was enacted in 1959 which modified the apportionment system in order to accommodate new cities and consolidated cities created after 1952.<sup>3</sup> The number of House districts was reduced to 74 in the process of the adjustment. But there was no effect on the continuing representation to the various areas of the Commonwealth.

The 1960 Federal census reveals that Virginia's population increased 19.5 per cent in the preceding decade to a total of 3,966,949 inhabitants as of April 1, 1960.<sup>4</sup> This growth in population was not uniform throughout the Commonwealth; some counties and cities had greater proportionate increases than others; some

counties actually lost population since 1950. The disparate effect of the census upon the various counties and cities of the Commonwealth renders the 1952 apportionment system out-of-date and creates the need for reapportionment in 1962.

The inadequacy of a system of political representation based upon the 1950 census for the decade of the 1960's becomes apparent when the distribution of political representation among the counties and cities is contrasted with the results of the two censuses. Virginia's apportionments historically have been rather satisfactory as measured by their relationship to population distribution in the Commonwealth. Generally, Virginia has extended political representation to counties and cities in proportion to their relative shares of the State's total population. But, while an apportionment scheme may be most representative of the census data upon which it was founded, it may be rendered inadequate by the results of the subsequent census. The necessary adjustments in the apportionment system then must be considered by the General Assembly.

Persons concerned with the problem of legislative apportionment have developed techniques to measure how representative is a state legislature's apportionment. Some of these techniques can be applied to Virginia's apportionment system to demonstrate the impact of the 1960 census upon the existing system and to yield comprehensible results to scholar, politician, and citizen alike.

### DAUER AND KELSAY METHOD

The first of these techniques was employed in 1955 by Manning J. Dauer and Robert G. Kelsay of the University of

1. Va. Con., sec. 45. The full text of the constitutional provision is as follows: "The present apportionment of the Commonwealth into senatorial and house districts shall continue; but a reapportionment shall be made in the year nineteen hundred and thirty-two and every ten years thereafter." The 1928 amendment made no substantive change in this portion of the Constitution, but merely served to bring the section up to date.

2. Acts, 1952, p. 930; *Ibid.*, 1954, p. 252; *Ibid.*, 1942, pp. 620, 622; *Ibid.*, 1952, Ex. Sen., pp. 45-48. Prior to 1952, the General Assembly had not reapportioned the House of Delegates since 1910 (Acts, 1910, p. 9) and the Senate since 1902 (Acts, 1901-1902, p. 800); the Constitution adopted in 1902 embraced the 1902 statutory apportionment.

3. Acts, 1958, pp. 388-392.

4. U. S. Bureau of the Census, 1960 Census of Population: Advance Report, Final Population Counts (Virginia). (Washington: Government Printing Office, November 30, 1960).



THE UNIVERSITY OF VIRGINIA  
**NEWS Letter**

Editor

WELDON COOPER

Assistant Editor

WILLIAM M. GRIFFIN

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Florida.<sup>5</sup> The assumption that underlay their analysis was that a truly representative legislative body permitted a majority of the people in a state to elect a majority of the legislators. This was especially true of legislative chambers whose base of representation was population. In order to measure how closely this ideal situation was approximated in the states, they conducted a broad study of the apportionments of all state legislatures to determine the smallest percentage of a state's population which could theoretically elect a majority of each legislative house.

The Dauer and Kelsey study revealed that Virginia's 1952 apportionment act in response to the results of the 1950 census displayed a high degree of representativeness measured by their standards. They calculated in Virginia that 43.69 per cent of the people could elect a majority of the House of Delegates; and that 43.93 per cent of the people could elect a majority of the State Senate. This was impressive compared to other states. Dauer and Kelsey ranked the states in the order of the size of these percentages necessary to elect majorities in lower and upper legislative houses in the states. Virginia was ranked sixth highest among the states in the percentages necessary to elect a majority in lower houses, and ninth among state upper chambers. Among lower chambers, South Carolina, ranked first, required 46.72 per cent of its population to produce a majority, while majorities could be produced by only 19.4 per cent of the people of Delaware, 17.19 per cent in Florida, 12.58 per cent in Vermont,

5. Manning J. Dauer and Robert G. Kelsey, "Unrepresentative States," 44 *National Municipal Review*, 571 ff (December, 1955).

TABLE I  
Virginia Legislative Apportionment Data  
By Dauer and Kelsey Method

Year	Chamber	Minimum Percentage of Population Needed to Elect a Majority	Average Population Per Representative	Smallest Population Per Representative	Largest Population Per Representative
*1955	Senate	43.93	82,967	55,007	131,449
1961	Senate	37.65	90,174	51,007	230,194
*1955	House of Delegates	43.69	33,187	14,057	82,233
1961	House of Delegates	36.75	39,660	25,071	142,597

\*Source: Dauer and Kelsey, "Unrepresentative States," 44 *National Municipal Review*, 572 and 574 (December, 1955).

and 9.59 per cent in Connecticut. Among upper chambers, Massachusetts was highest with 48.76 per cent and Nevada and California lowest with 12.36 per cent and 11.88 per cent, respectively.

The question that is relevant in 1961, however, is how many people in Virginia now may theoretically elect majorities in the General Assembly. The results of the 1960 census have altered considerably the minimum percentages required. Only 36.75 per cent of the Commonwealth's population can elect a majority in the House of Delegates and 37.65 per cent a majority in the State Senate. This indicates how less representative Virginia's apportionment system has become in 10 years. Table I illustrates this contrast in the adequacy of the representative system.

#### NATIONAL MUNICIPAL LEAGUE APPROACH

A more common approach employed by those who apportion representation by population is to determine how many people each representative ideally should represent. This is found by dividing the total population of a state by the number of representatives in a legislative house. In Virginia, after 1950, for example, the population of the Commonwealth, 3,318,680, was divided by 100, the number of members of the House of Delegates, and by 40, the number of State Senators. The results of such elementary mathematics were 33,187 as the number of people that each delegate should represent, and 82,967 as the number that each Senator should represent. These numbers were the State average population per representative in each house of the General Assembly. Virginia's apportionment system would have been perfect if every legislator represented this State average population per representative. Obviously, it is most difficult to draw district lines or otherwise to allocate representation in such a way as to achieve that result. Nevertheless, the more nearly equal that the population represented by each legislator is, the more that the potential vote of every citizen in the State will be equal, since it will carry

nearly the same weight toward the election of any legislator. This is demonstrated convincingly by noting that an individual's vote in a district containing only 10,000 people will be worth 10 times that of a citizen in a district with 100,000 population. Efforts to reapportion or redistrict, therefore, should seek to achieve a condition of equality of population represented by each legislator in order to approximate a condition of equality in the value of the vote possessed by every citizen in the state. How successful these efforts are is often difficult to establish in clear and meaningful terms so that citizens appreciate the impact upon their vote. But attempts to measure the impact have been and are being made.

One such attempt was made in 1960 when the National Municipal League published a collection of statistics about the apportionment systems of all the states.<sup>6</sup> The focus of that collection of data was the state average population per representative in every legislative chamber, and the deviations from that figure in the various legislative districts. The study was necessarily based upon 1950 census figures. Of particular importance in the League data were the percentages of average deviation in each state from what the ideal state average population per representative was for each legislative chamber. In other words, the study noted the deviations from the ideal average population per representative in every district and then calculated the average deviation from that figure for the entire state. It presented this as a percentage of average deviation from the state average population per representative.

Virginia again held an impressive comparative position among the states in this analysis of its apportionment system and the 1950 population of the Commonwealth. The percentage of average deviation from the state average in Virginia

6. *Compendium on Legislative Apportionment* (New York: National Municipal League, 1960).



was calculated as 15.4 per cent in the lower house and 17.6 per cent in the upper houses. In a rank order of such percentage deviation figures in which the lower percentages were most desirable, Virginia ranked *ninth* among upper chambers and *eighth* among lower chambers. Its percentage of 15.4 per cent deviation for the lower house compared with that of 8.4 per cent for South Carolina and 9.8 per cent for Illinois as the best among the states, and 238.4 per cent for Georgia and 100.48 per cent for Connecticut as the worst. Among upper houses, Virginia's 17.6 per cent deviation compared with 7.9 per cent for Delaware, 8.21 per cent for Wisconsin, and 8.4 per cent for Arkansas with the least deviations, while Rhode Island's 173.33 per cent and Georgia's 112.6 per cent possessed the largest deviations.

These percentages of average deviations do not express completely the picture of apportionment in Virginia. The actual average deviation from the state average population per representative of 33,187 for the House of Delegates was 5,104; in the State Senate the deviation was 14,609 from the state average of 82,967. However, applying this same analysis to the results of the 1960 census demonstrates the effect of population growth and movement. The growth of Virginia's total population by 1960 increased the state average population per representative in each house. Now, the state average is 39,669 for the House of Delegates and 99,174 for the State Senate. The increases in the state averages result in increasing deviations from that figure in the various legislative districts, so that the average deviations and the percentages of average deviation have increased correspondingly. The average deviation from the state average per representative in the House of Delegates on the basis of the 1960 population is now 12,418; it is 29,150 in the State Senate. As a result, the percentages of average deviation have rocketed to 31.30 per cent for the House and 29.39 per cent in the Senate. By this measure, it would seem that Virginia's present apportionment system is only about half as representative for the decade of the sixties as it was for the decade of the fifties. This impact is dramatized effectively in Table II.

To this point, the changes in the representative nature of Virginia's legislative apportionment have been presented so as to convey an over-all view of the adequacy of representation in the General Assembly as a whole. It is more meaningful to dis-

Census Year	House	Average Population per Representative	Average Deviation of Population from State Average Population/Rep.	Percentage Average Deviation from State Average Population/Rep.
*1950	Senate	82,967	14,609	17.6
1960	Senate	99,174	29,150	29.39
*1950	House of Delegates	33,187	5,104	15.4
1960	House of Delegates	39,669	12,418	31.30

\*Source: *Compendium on Legislative Apportionment*. National Municipal League, 1960. Statistics for 1950 averages are based on the apportionment as modified slightly in 1958.

cuss as well the inequities in representation accorded to individual legislative districts and (or) counties and cities, on the basis of both 1950 and 1960 populations.

The average deviations described above do not reflect the significant absolute deviations in the number of people represented by legislators. Before 1960, for example, the largest population represented by a delegate was the 61,787 of the City of Alexandria. On the other hand, the smallest legislative district encompassed the 19,218 persons of Botetourt and Craig counties, also represented by one delegate. Thus, there was almost a three-fold difference between the largest and smallest populations per representative. After 1960, however, the gap between the least and most represented districts of the State became considerably wider. The largest population represented per delegate is now 142,597 occurring in the Delegate district comprising Fairfax County and the City of Falls Church. This area of 285,194 persons is represented by only two delegates! By contrast, the legislative district composed of Botetourt and Craig counties still has its one delegate representing only 20,071 persons. The difference in extremes of representation has now grown to seven times.

In the same way the difference between

the largest and smallest populations represented by State Senators has multiplied. Arlington County composed of 135,449 persons was the largest district after 1950 while the smallest district was composed of Culpeper, Fauquier, and Loudoun counties that contained 55,637 persons, roughly half the size of the largest district. Now, the smallest Senate district is made up of Lee and Scott counties with a total population of 51,637. By contrast, the largest Senate district contains the 285,194 population of Fairfax and Falls Church. There is now almost a six-fold difference between the population extremes of Senate districts.

#### DAVID TECHNIQUE

Still another method for demonstrating the ineffectiveness of the apportionment system has been developed recently by Professor Paul T. David of the University of Virginia.<sup>7</sup> David's approach utilizes the important figure of state average population per representative and compares it to the actual population per representative possessed by the various legislative districts or counties and cities of the Commonwealth in order to produce

7. This analysis is now being applied in a study of under and overrepresentation in state legislative apportionments throughout the United States being conducted by the Bureau of Public Administration of the University of Virginia under the direction of Paul T. David and Ralph Eisenberg.

TABLE III  
Virginia Legislative Apportionment Data  
By David Method

Census Year	Units by Categories of Population Size	No. of Total Population Units* in Census Year	Proportionate Share of Voting Strength of Legislature: No. of Members		Average Values of the Vote for Representation in		
			Lower House	Upper House	Lower House	Upper House	Legislature
1960	Under 25,000	86	1,083,729	33.53	13.66	1.23	1.24
	25,000-99,999	36	1,573,213	41.95	16.95	1.06	1.06
	100,000-499,999	7	1,310,007	24.52	9.39	.74	.73
	Totals and Averages	129	3,966,949	100.00	40.00	1.00	1.00
1950	Under 25,000	84	1,044,260	34.91	14.26	1.11	1.12
	25,000-99,999	38	1,695,148	49.09	19.74	.96	.96
	100,000-499,999	3	579,272	16.00	6.00	.88	.89
	Totals and Averages	125	3,318,680	100.00	40.00	1.00	1.00

\*Number of units determined by reference to cities and counties in the apportionment act and the census data available for them.

an index figure that ascertains more precisely the extent of under or overrepresentation enjoyed by any particular legislative district, county or city, or any group of counties and cities. His analysis assumes that the value of a citizen's vote in a district that is the size of the state average population per representative is 1.00, because if all districts were this size, the votes of all citizens would be equal. By relating the actual population per representative to what the state average is, he is able then to demonstrate what the precise value of a citizen's vote is in the various units of government in the state. Indices larger than 1.00 indicate overrepresentation and indices that are less than 1.00 indicate underrepresentation. The greater the deviation of the index figure from 1.00, the greater is the extent of over or underrepresentation.

For example, the indices of the average values of the vote in the Virginia counties and cities cited above as deviating most from the State average population per representative illustrate graphically the degree of representativeness of those districts. With the David analysis, the value of the vote for delegate in underrepresented Alexandria before 1960 was .54. Meanwhile, the overrepresented Botetourt and Craig county citizen had a vote valued at 1.73. Similarly for the Senate, the voter in Arlington County possessed a vote valued at only .61 but the voter in overrepresented Culpeper, Fauquier, and Loudoun counties possessed a vote valued at 1.49. Similarly now, the voter in underrepresented Fairfax and Falls Church has a vote valued at only .28 in the election of delegates and at .34 for the election of State senator. However, overrepresented Botetourt and Craig counties now have a vote for delegate that has grown in value to 1.98, and Lee and Scott counties possess a vote valued

at 1.92 for the election of a State senator.

An advantage to this method of analyzing deficiencies in the representative character of apportionment systems is its capacity to identify clearly what parts of a state are bearing the brunt of under or overrepresentation. It also dramatically conveys the impact of the 1960 census upon such systems. The analysis is particularly designed to measure the adequacy of representation possessed by urban and suburban areas. This is accomplished by categorizing the counties and cities of the Commonwealth by population size, with the category of largest population size assumed to be urban and suburban. The representation possessed by each of these categories of counties and cities then can be equated with the total population within the category to produce a result that is an index of the value of the vote in each category. Table III illustrates the results of such categorization when the apportionment system is analyzed using the results of both the 1950 and 1960 censuses.

The table reveals that the extent of over and underrepresentation was not too marked on the basis of 1950 population figures. Overrepresentation characterized counties and cities of less than 25,000 population with an average vote value of 1.12, while urban areas were underrepresented with a vote value of .89. But using 1960 census figures, it is evident that the value of votes in urban and suburban areas has been seriously decreased, relatively to what it was after 1950 and absolutely on the basis of what it is in 1961. The seven most heavily populated counties and cities of the State are presently significantly underrepresented with a vote valued at .73 while the most sparsely populated units are overrepresented with a vote valued at 1.24.

This analysis is of further great use in

identifying the particular counties and cities that are most under or overrepresented. In the House of Delegates, in addition to those cited above, the most underrepresented areas and their vote values are: Hampton, .45; Princess Anne County and Virginia Beach, .47; and Henrico County, .54. Similarly, the additional most overrepresented areas and their vote values are: Accomack County, 2.12; Shenandoah County, 1.82; Wythe County, 1.81; and Buchanan County, 1.78. In the Senate, in addition to the extremes noted above, the over and underrepresented areas are Carroll, Floyd, and Grayson counties and Galax with votes valued at 1.76 in contrast to the Richmond suburban areas of Charles City, Chesterfield, and Henrico counties and Colonial Heights with votes valued at .49.

#### CONCLUSION

The impact of these analyses of how representative Virginia's existing apportionment system is illustrates the task facing the 1962 session of the General Assembly. If population is to remain the primary basis for political representation in Virginia's legislature, then alterations must be made in the apportionment system to correct the disparities in the distribution of representation revealed by the 1960 census. Virginia's apportionment, by whatever test is applied, has become much less representative. It no longer reflects accurately or adequately the distribution of population throughout the Commonwealth. The inequities in the system are obvious for both individual districts and counties and cities as well as for the legislative body as a whole. It remains for the General Assembly to remedy the system as best it can so that the potential votes of all citizens may be more nearly equal, a task that it has performed comparatively well in the past.

[fol. 214]

THE UNIVERSITY OF VIRGINIA

## NEWS Letter

Bureau of Public Administration  
Charlottesville, Virginia

Entered as  
second class matter  
Charlottesville, Virginia

[fol. 215]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

PLAINTIFFS' EXHIBIT 2

REPORT NO. 3 to COMMISSION ON REDISTRICTING

8/28/62 GH\*

GENERAL ANALYSIS OF PROBLEMS  
OF REAPPORTIONMENT  
AND REDISTRICTING

Bureau of Public Administration  
University of Virginia  
July 10, 1961

[fol. 216]

GENERAL ANALYSIS OF PROBLEMS  
OF REAPPORTIONMENT  
AND REDISTRICTING

*Methods of Reapportionment*

Legislative reapportionment involves the periodic re-allocation of representation in a legislative body among the various segments of a political society. The concept of reapportionment carries the premise that there is a need for periodic readjustments in the distribution of representation because changes over time affect the basic units of representation.

In the United States, reapportionment is necessary in legislative chambers where representation is based upon population. The need for reapportionment develops because of shifts in the distribution of population among the various parts of the political society. In the United States Congress, the principle of equal representation for

\* Pencil notation.



each state in the Senate is fixed by the Constitution. However, in the House of Representatives, where the basis for representation is the population of the various states (with a guarantee of at least one representative per state), there is need for periodic readjustment of the representation accorded to each state. Because of the federal system, the problem of reapportioning the House, as far as Congress is concerned, now involves merely the distribution of a fixed number of seats among a fixed number of states. Thus, periodic readjustments of representation in the House of Representatives are made by reapportionment and not by redistricting. States then may redistrict themselves to accommodate the representation in the House apportioned to them.

Among the states, reapportionment similarly is necessary in cases of legislative chambers primarily based upon population. The mechanics of reapportionment are relatively simple in those states that employ the county as the [fol. 217] fixed unit among which the seats in the legislative chamber are apportioned according to the county populations. The problem involves merely the determination of the number of seats in the legislative chamber to be allotted to each county, with the precise number varying according to the particular apportionment used.

Still other states distribute representation among counties by designating a fixed number of seats to counties falling into particular population categories. Such states face a less difficult reapportionment task than does Virginia, although the inequities that arise in such a system are severe. A more recent approach to state legislative reapportionment emulates the federal government by taking the responsibility out of the hands of the legislature almost entirely. These states employ special commissions, composed usually of various state officials who serve as ex officio members to devise reapportionment plans according to a constitutionally or statutorily prescribed formula or method. The greatest advantage to such commissions is that they remove the reapportionment problem from the legislature and the consequent political difficulties it engenders there. The adoption of such a method for reapportionment is currently being pressed in many states.



### *Fixed Ratios*

Brief mention and description of the various methods of apportionment are appropriate for an understanding of the complexities in the mechanics of reapportionment. Two general approaches can be noted in the various methods employed or suggested for reapportioning legislative bodies that have a fixed number of seats to be distributed among a fixed number of political units (states, counties, etc.). Older apportionment methods employ *fixed ratios* to allocate representation; more modern methods use *prior*-[fol. 218] *ity lists* for allocation of representation. The Vinton method typifies the use of fixed ratios. It was employed to reapportion the United States House of Representatives after the federal censuses of 1850 and 1890. This method at the state level would operate in the following manner if seats were to be allotted to counties as they are to states at the federal level. The state population is divided by the number of counties to obtain the fixed ratio (or state average population per representative). The fixed ratio is divided into the population of each county to obtain the exact quota of representation for each county. Then each county is allotted its representation for the *whole* numbers in its exact quota. The remaining seats are then allocated among the counties having the largest fractions in their exact quota. Use of the Vinton method was discontinued by Congress because of the "Alabama Paradox." This means that a state that had grown between apportionments at a greater rate than other states could lose seats while other slower-gaining states might gain seats despite an increase in the total size of the legislative body.

The Arithmetical Elimination process similarly involves the use of a fixed ratio determined exactly as in the Vinton method. However, this method involves adjustment of county population figures that exceed the fixed ratio in order to allocate the remaining legislative seats.

### *Priority Lists*

There are five so-called modern methods of apportioning representation that employ priority lists. The priority list

is a device for distributing additional legislative seats (after one per county is allocated). The priority list creates an order of precedence in allotting the additional seats to counties that merit them. For example, applied to Congress [fol. 219] the list would declare what state was entitled to seat number 51, 52, 53, etc. to seat number 435.

The method termed "equal proportions" uses a priority list that is determined by dividing the unit populations successively by the geometric mean (square root of the product) of each pair of successive numbers of representatives beginning with 1 and 2, 2 and 3, and in order of increasing magnitude until the number of quotients calculated for each unit exceeds by at least one the number of additional seats to be awarded. All of the quotients then are arranged by magnitude on the priority list with the largest first, and the remaining seats are allocated to the highest on the list until the last seat is distributed.

The other modern methods employ the list in the same way but determine the list by a different mathematical method. The method of Major Fractions, for example, employs a priority list computed by dividing the state population successively by the arithmetic mean (the sum of two numbers divided by 2), between succeeding representatives; the method of the Harmonic Mean divides the state population by the harmonic mean (twice the product of two numbers divided by their sum) of its present assignment of representatives and of its next highest assignment of representatives; the Smallest Divisors Method divides the state population by successive numbers of representatives beginning with 1; and the Greatest Divisors Method divides the state population by successive numbers of representatives beginning with 2.

So many methods were developed because there are several different standards by which to measure the adequacy of an apportionment system. A good apportionment of representation should produce a system in which there is the least amount of difference between districts in either the population per representative, or conversely, an individual's share in a representative. But even the amount of difference between districts may be determined

by either of the two above standards in more than one way. Differences between any two quantitative units are either absolute or relative, and each of the above methods of apportionment produce, or may produce, different results at any one time for either of the four variables mentioned above: to wit, the absolute difference in population per representative, the relative difference in population per representative, the absolute difference in an individual's share in a representative, or finally the relative difference in an individual's share in a representative. The most acceptable method is the one that produces the least difference in the most desirable standard category. The method of equal proportions is considered by many persons to be the most desirable method because it produces the least differences in both the relative difference in population per representative as well as in relative share in a representative. This method is currently used in the reapportionment of the U.S. House of Representatives. The method of Major Fractions also has had strong support.

#### *Other Methods*

The common practice of fixing the number of representatives by population category for counties can be illustrated hypothetically by considering a state that provided in its constitution or in a statute that all counties with a population of less than 50,000 would be entitled to 1 representative; counties with 50,000 to 99,999 would have 2 representatives; counties with populations of 100,000 to 149,999, 3 representatives; and so on with additional representatives possibly being given to counties with a major fraction within the population range. Occasionally states also set a maximum size to the total number of representatives that any one county may have. For example, a state may provide that [fol. 221] counties over 200,000 are entitled to 5 representatives; hence, a county of 201,000 would have the same 5 representatives while a county of 1,000,000 might have the same number. Another variation of this method uses a constant fixed ratio where representation is allotted to the various counties by dividing the fixed ratio into the county population to obtain the number of representatives to be

allotted to that county, with or without provision for the disposition of the major fraction. The prerequisite of a system of this kind is that the total number of representatives not be fixed, because as the population of the state, and of the various counties within the state, increases, the inevitable result is that the size of the legislative chamber itself will increase. Generally, use of this method or any of its variations produces great inequities in legislative representation, and states employing them are usually found at the worst end of the spectrum of representative legislatures.

### *Reapportionment in Virginia*

Virginia exemplifies the states whose reapportionment task is essentially that of redistricting rather than merely reapportioning the distribution of representation among the various counties and cities of the Commonwealth. There are no units in Virginia that may be conveniently used for purposes of allotting representation in the legislature. Because the maximum size of the legislative chambers in Virginia are set by the State Constitution at forty and one hundred, and because there are ninety-eight counties and 32 cities in the Commonwealth among which the small number of total representatives can be distributed, there is no possibility that either counties or cities can serve as basic units for representation. Instead the various counties and cities must be combined into districts to elect representatives. Each time that a federal census demonstrates the [fol. 222] need for reapportionment of representation, new districts, combinations of cities and counties, must be devised. The task is far more difficult than that faced by states with some fixed representation scheme or with a relatively small number of counties. Virginia's problem is more complex because of the existence of independent cities, which adds 32 additional political units that must be considered in the construction of legislative districts. The large number of counties and cities and the small number of legislative seats precludes the use of the mathematical methods described above.



Any of the above-mentioned reapportionment methods could be used in Virginia if the state first were districted and then an appropriate method used to allot representation to each of the districts so created. This approach is possible, but it does not really solve the problem of districting—redistricting would still have to be done and the problems associated with it would still exist. The only advantage to such a procedure is that the number of districts to be created would be much smaller than the number involved in redistricting the state into as many single-member or multi-member single-county districts as possible. Even this advantage would be offset if further districting into single-member districts within larger districts were desired.

### *Redistricting Standards*

Redistricting differs markedly from reapportionment because reapportionment takes place with already existing districts. Therefore, in reapportionment, the problems involved in creating districts do not exist; instead, the problem is one of determining how many representatives should be allotted to each existing district. Constructing districts is a far more complex task. Evidence of this is found in the [fol. 223] United States House of Representatives where reapportionment is easily accomplished by the certification of the number of representatives to which each state is entitled as a result of the last preceding census. But the subsequent problem for a state legislature following congressional reapportionment is to create congressional districts; to join the various parts of a state in such a way as to provide equitable and logical representation for all.

### *Variations in District Size*

The primary criterion that is operational in the creation of any legislative districting arrangement is population equality. The virtual impossibility of achieving perfect equality in the construction of legislative districts is conceded, but the accepted goal is that of districting to achieve population equality as nearly as practicable. However, even the term "as nearly as practicable" is not completely meaningful. Although it obviously means something close

to population equality, the key question is just how close to population equality is "as practicable"? Or stated in other words, how much deviation from the ideal size of a legislative district should be tolerated? Or, how much absolute difference will be tolerated between the smallest legislative district and the largest?

There is no simple answer to the question of how much deviation in district size can be permitted while the notion of "as nearly equal as practicable" is still retained. A committee of the American Political Science Association in 1951 addressed itself to this problem in relation to congressional districts and it recommended that an effort be made to keep the deviation of any district from the state-wide average for all districts within a limit of ten per cent. But it went on to urge that such deviation not be permitted to exceed fifteen per cent. The Committee felt that some [fol. 224] specification of the permissible variations from equality was very desirable, but that the particular percentages were not essential in themselves as long as they made "fair allowance for the practical difficulties which state legislators must face." More recent attention to the problem has exhibited greater tolerance of the extent of deviation from the state-wide averages for legislative districts. This tolerance is exemplified by proposed statutes and constitutional amendments concerning congressional districts that have accepted limits of 20 per cent and 25 per cent upon the permissible deviations for such districts created by state legislatures. The intent of all proposals, however, is to minimize the extent of deviation while accommodating the practical demands of redistricting. No serious proposal has been put forth that suggests a tolerance of more than 25 per cent from the ideal district size, nor more than 50 per cent between the smallest and the largest district. Of course, the smaller the percentage of deviation the better the particular system of representation.

### *Compactness and Contiguity*

Two other widely accepted standards for constructing legislative districts are compactness and contiguity. Both were formerly statutory requirements for congressional

districts but they no longer are. Nevertheless, both remain as characteristics of good legislative districts. Compactness may be thought of as requiring that a legislative district be geographically arranged neatly with as little wandering as possible. As a requirement, it is intended to inhibit gerrymandering and the consequent odd-shaped districting patterns found where gerrymandering is prevalent. Contiguity as a requirement insists that districts be composed solely of continuous geographic masses and does not [fol. 225], permit a part of a district to be isolated from another part of the same district, particularly by a piece of a second district. Contiguity is perhaps the easiest characteristic of good districting to identify. It is easily ascertained by a glance at a map.

### *Geographic Features*

A more "practical" aspect of redistricting necessitates that natural geographic or topographical features be accommodated where such features tend to delineate areas of dissimilar interests and orientation. Such geographical features can be overstressed where they do not truly produce differences in area identification on the part of the inhabitants. But waterways, peninsulas, mountain ranges, and valleys often create natural boundaries for purposes of districting where the areas they set apart have developed clearly dissimilar interests and there is reason to represent such areas as they exist. The effect of geographical and topographical features cannot be carried too far in districting lest the concept of population equality become completely meaningless. It should be noted too that geographic features do not often limit the construction of successively larger districts, as for instance, congressional districts.

### *Community of Interest*

Another districting consideration concerns the community of interests of certain areas for purposes of combination into legislative districts. Economic activity creates a certain range of interests, social and political as well as economic, in a particular area of a state. Rural areas obviously have different interests from urban areas; coastal regions

from inland regions. Districting must involve a conscious effort to combine areas of like interests where possible so [fol. 226] that most of the divergent interests in a state have political representation. The extent to which combining areas of like interests can be carried is limited. There are inevitably instances where an overlapping of interests will exist in an area that is convenient in other ways for purposes of a legislative district. - Even within a county, there is apt to be such an overlapping of interests that cannot be isolated for purposes of legislative representation. Nevertheless, an attempt to combine areas of like interests should be made rather than to permit or to indulge in districting schemes that seek consciously to overcome or to dilute the political power of certain interests that numerically merit legislative representation.

### *Virginia Redistricting*

Virginia's redistricting problems are clear when weighed against the considerations mentioned above. First, the task of creating legislative districts from the 98 counties and 32 independent cities of the Commonwealth is formidable because of the limited number of legislative seats that are available for distribution among them. But there is no limitation as to the number of districts that can be employed to allocate the total number of representatives. Because cities and counties have never been split or divided for purposes of legislative representation, there is obviously need for multi-member districts for counties and cities whose populations entitle them to more than 1 representative. This means that there will always be less than 100 delegate districts and less than 40 senate districts. Multi-member districts also have been used in cases where more than one county and (or) city have been joined for legislative representation. Such a multi-member, multi-county legislative district is inevitable in cases of cities entirely surrounded by counties where individual populations do not entitle such units to a whole number of representatives, [fol. 227], but which together might very well merit at least two representatives. Such a situation illustrates the dilemma of trying to isolate areas of like interests. Hence,



a rural county must be thrust together with a city, often urbanized to the highest degree, for legislative representation. Such a merging of urban and rural interests is unavoidable in Virginia although an attempt to prevent it can be made.

Geographic and topographic problems also exist in Virginia. The classic enumeration of the "five grand divisions of the Commonwealth" is relevant to legislative districting. Districting should seek to avoid overlapping these traditional areas if possible. Similarly, other limitations are imposed by geographical features of the Commonwealth. The peninsulas in the Tidewater area, the Eastern Shore, the Blue Ridge Mountains, the Shenandoah Valley, all must be considered in any districting scheme. The boundaries of the various counties and cities similarly impose limitations upon the extent to which compactness can be achieved. The problem of constructing districts that are contiguous is affected by the encirclement of many cities by surrounding counties.

Population equality is difficult to achieve in Virginia because of the tradition of integrity for the boundaries of counties and cities. Therefore, districts can be constructed only of combinations of counties and cities and not by pieces of them. This means that where the populations of contiguous counties and cities cannot be combined so as to yield convenient population totals which can be divided neatly by the fixed ratio for the state, either extreme under or overrepresentation will exist unless additional counties and cities are combined to produce a multi-member district.

Legislative districts in Virginia must be constructed by using a fixed ratio (population of the state divided by the [fol. 228] number of legislative seats to be allotted). Single member districts should contain as nearly as possible the number of persons as the fixed ratio. A multi-member district should contain as nearly as many people as can be divided by the number of representatives allotted to it so as to yield a population per representative figure close to the fixed ratio. In order to unite counties and cities in this way without reaching extreme situations of under and overrepresentation, it may be difficult not to disturb existing districts whose populations are already close to the

fixed ratio. To leave all such existing districts undisturbed may very well result in neighboring districts whose populations deviate far too much from the ideal size.

Effective redistricting in Virginia would include the following guidelines. Districts must be contiguous. This requirement is absolute since contiguity either exists, or it does not. An effort should be made to obtain compact districts. This will not be easy because of the large number of counties and cities, the peculiar shape of adjacent governmental units, and the attempt to obtain districts of nearly equal population size. Geographical and economic interests should be taken into consideration as much as possible. The districts created should be as nearly equal in population as practicable, as measured by the population per representative for each district. It is recommended that the deviation from the ideal size be as little as possible, with most deviation within 15 per cent of ideal size, and exceptions in the most difficult situations within 25 per cent. It is indeed difficult, if not impossible, to justify deviations beyond 25 per cent.

Another practical guideline to redistricting should be mentioned briefly in conclusion. First, it is deemed wise to redistrict with the least amount of disturbance to existing districts. This is a good course to follow for two reasons. It is politically wise because it takes care of legislators-incumbents in that it seeks to avoid situations in which two incumbents must compete against each other for a seat from a new legislative district. This also involves taking cognizance of incumbent places of residence. Secondly, it is less confusing for voters who can continue to identify themselves with the legislative districts and political personalities with whom they are already familiar. This objective of least disturbance to existing districts is easiest to achieve when the number of districts is fewest. Hence, in Virginia it will be more meaningful when dealing with congressional districts, and less meaningful in dealing with legislative districts.

[fol. 230]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

PLAINTIFFS' EXHIBIT 3

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

8/28/62 GH\*

July 17, 1961

HOUSE OF DELEGATES

*Alternative Districting Plans*

Plans A and B are submitted as alternate districting plans for the House of Delegates. Plan A contains three variations for the southwest area of the State which affect the same number of delegate seats, and four variations in the southeastern portion of the State, three of which permit an additional delegate seat to be allotted to that area at the expense of any of the several multi-member districts proposed.

In many instances, various combinations of Plans A and B can be interchanged, but not to affect the total number of representatives in a particular area.

Plan A employs the least tolerance of deviation from average district size. Plan B employs the greatest tolerance of deviations and the least disturbance to existing districts. Inevitably, some districts in both plans are identical, particularly in multi-member districts, or in unique situations such as that presented by Accomack and Northampton counties, or in situations where extreme deviations had to be corrected.

Both plans succeed in giving populous counties and cities additional representation primarily at the expense of floater districts. Plan A contains a possible maximum of four

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\* Penciled notation.

floater districts, and Plan B contains two floater districts. The floater districts in both plans contain only counties and cities that also appear in other legislative districts. Floater districts are indicated by asterisks.

Many of the districts that appear in both plans are the most logical and "natural" arrangements for purposes of representation. That is to say that they are convenient in terms of compactness of contiguity, community of interest, and population equality.

[fol. 231]

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

July 17, 1961

HOUSE OF DELEGATES

PLAN A

Total number of districts	= 57
Existing districts used	= 26
Existing districts used as nuclei for new districts	= 20
Completely new districts	= 11

Plan A is conceived as a districting scheme that permits the least tolerance in deviations from average district size, and hence was unconcerned with preserving existing districts.

Plan A incorporates alternative districting arrangements involving 11 delegate seats in the southwestern portion of the State, and alternate districting arrangements in the southern portion of the State that permit that area to have an additional representative, albeit at the expense of multi-member districts elsewhere.

Plan A also contains alternate possibilities for some counties and cities insofar as either a multi-member dis-




trict or single-member districts can be employed. Similar possibilities for the use of floater districts are suggested.

The alternative districting arrangements for certain areas are indicated by A-1, A-2, and A-3, or AA-1, AA-2, AA-3, and AA-4 for each group of counties and cities, with the most preferable alternative for each area within the standards of Plan A, cited as A-1. The subsequently appearing A-2 and A-3 are offered as alternatives. Solid lines across the page delineate the alternate districting arrangements.

Extremes of over and underrepresentation in Plan A are 1.17 and .83.

PLAINTIFFS' EXHIBIT 3 (Cont.)

See Opposite 

# HOUSE OF DELEGATES

## PLAN A

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
A1 Augusta Highland Staunton Waynesboro	2	39,255	1.01
✓ Halifax South Boston	1	39,611	1.00
Henry 3 Patrick Martinsville	2	37,207	1.07
4 Newport News	3	37,887	1.05
Northumberland Westmoreland 5 Lancaster Richmond County	1	36,776	1.08
6 Montgomery Radford	1	42,294	.94
7 Norfolk County South Norfolk	2	36,823	1.08
8 ALBEMARLE GREENE CHARLOTTESVILLE FLUVANNA	2	36,169	1.10
9 Madison Culpeper Orange RAPPAHANNOCK	1	41,543	.96
10 Fairfax Falls Church	7	40,742	.97
11 Arlington	4	40,850	.97
12 Alexandria	2	45,512	.87
13 Norfolk	7	43,553	.91
14 Portsmouth	3	38,258	1.04
15 Princess Anne Virginia Beach	2	42,609	.93

[fol. 232]

## PLAN A (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
16 Richmond	6	36,659	1.08
17 Hampton	2	44,629	.89
18 Henrico	3	39,113	1.01
19 Chesterfield Colonial Heights	2	40,392	.98
20 Pittsylvania	1	58,296	.68
21 Danville	1	46,577	.85
22 PITTSYLVANIA *DANVILLE	1	104,873	.38 1.06 1.23
23 HOPEWELL PRINCE GEORGE	1	38,165	1.04
24 PETERSBURG	1	36,750	1.08
25 JAMES CITY YORK WILLIAMSBURG	1	39,954	.99
26 Gloucester Mathews Middlesex KING & QUEEN ESSEX	1	37,938	1.05
27 Rockingham Harrisonburg SHENANDOAH	2	37,113	1.07
28 FREDERICK WINCHESTER	1	37,051	1.07
29 CLARKE Warren Page	1	38,169	1.04
30 Loudoun PRINCE WILLIAM	2	37,351	1.06
31 Roanoke City	2	48,555	.82

[fol. 233]



PLAN A (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
32 Roanoke County	1	61,693	.64
	and		
33 ROANOKE CITY ROANOKE COUNTY	1	158,803	.25 1.07 .89
	or		
Roanoke County	2	30,846	1.29
34 Accomack Northampton	1	47,601	.83
35 Spotsylvania Fredericksburg LOUISA	1	40,417	.98
36 STAFFORD FAUQUIER	1	40,942	.97
37 CHARLES CITY NEW KENT HANOVER	1	37,546	1.06
38 KING GEORGE CAROLINE KING WILLIAM	1	37,531	1.06
39 Rockbridge Bath Buena Vista	1	35,674	1.11
40 Alleghany Clifton Forge Covington BOTETOURT	1	45,173	.88
41 FLOYD Franklin	1	36,387	1.09
42 Amherst Nelson	1	35,705	1.11
43 Lynchburg	1	54,790	.72

[fol. 234]

PLAN A (continued)

	<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
44	BEDFORD CAMPBELL	1	63,986	.62
45	*LYNCHBURG BEDFORD CAMPBELL	1	118,776	.33 1.05 .95 .95
	or			
	LYNCHBURG BEDFORD CAMPBELL	3	39,592	1.00

PLAN A-1

46	LEE Wise Norton	2	37,199	1.07
47	SCOTT Washington Bristol	2	40,516	.98
48	Buchanan Dickenson RUSSELL	2	41,612	.95
49	TAZEWELL Smyth	2	37,928	1.05
50	Grayson Galax CARROLL	1	45,822	.87
1 51	CRAIG Giles Bland WYTHE PULASKI	2	37,895	1.05

## PLAN A (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
PLAN A-2			
Washington Bristol	1	55,220	.72 .99
*Washington Bristol LEE SCOTT	1	106,857	.37
LEE SCOTT	1	51,637	.77 1.04
Wise Norton	1	48,575	.82
DICKENSON RUSSELL	1	46,501	.85
PULASKI GILES CRAIG	1	47,833	.83
CARROLL GRAYSON GALAX WYTHE	2	33,898	1.17
Smyth BLAND	1	37,048	1.07
Tazewell	1	44,791	.89
Buchanan	1	36,724	1.08

## PLAN A (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
PLAN A-3			
LEE SCOTT RUSSELL	2	38,963	1.02
Wise Norton DICKENSON	2	34,388	1.15
Washington Bristol SMYTH	2	43,143	.92
CRAIG Giles Bland WYTHE PULASKI	2	37,895	1.05
Grayson Galax CARROLL	1	45,822	.87
Tazewell	1	44,791	.89
Buchanan	1	36,724	1.08



PLAN A (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
PLAN AA-1			
33 52 ISLE OF WIGHT Southampton	1	44,359	.89
53 Nansemond Suffolk	1	43,975	.90
54 SURRY SUSSEX DINWIDDIE	1	40,814	.97
55 Mecklenburg CHARLOTTE	1	44,796	.89
56 PRINCE EDWARD Appomattox Buckingham Cumberland	1	40,506	.98
57 Brunswick GREENSVILLE Lunenburg	1	46,457	.88
58 Nottoway Amelia Powhatan GOOCHLAND	1	38,909	1.02

PLAN AA-2 (with additional district)

CHARLOTTE Lunenburg MECKLENBURG Brunswick	2	37,549	1.06
Nansemond Suffolk SOUTHAMPTON	2	35,585	1.11
DINWIDDIE Sussex SURRY ISLE OF WIGHT Greensville	2	37,066	1.07

[fol. 238]

PLAN A (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
PLAN AA-3 (with additional district)			
Nansemond Suffolk Isle of Wight SURRY	2	33,679	1.18
SUSSEX Southampton	1	39,606	1.00
GREENSVILLE BRUNSWICK	1	33,934	1.17
DINWIDDIE NOTTOWAY	1	37,324	1.06
Macklenburg LUNENBURG	1	43,951	.90
Charlotte Prince Edward APPOMATTOX	1	36,637	1.08
BUCKINGHAM CUMBERLAND GOOCHLAND POWHEATAN AMELIA	1	41,005	.97

[Vol. 239]

## PLAN A (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
PLAN AA-4 (with additional district)			
Nansemond Suffolk Isle of Wight SURRY SUSSEX SOUTHAMPTON	3	35,655	1.11
DINWIDDIE NOTTOWAY	1	37,324	1.06
Greensville BRUNSWICK MECKLENBURG Lunenburg	2	38,942	1.02
Charlotte Prince Edward APPOMATTOX	1	36,637	1.08
BUCKINGHAM CUMBERLAND GOOCHLAND POWHATAN AMELIA	1	41,005	.97



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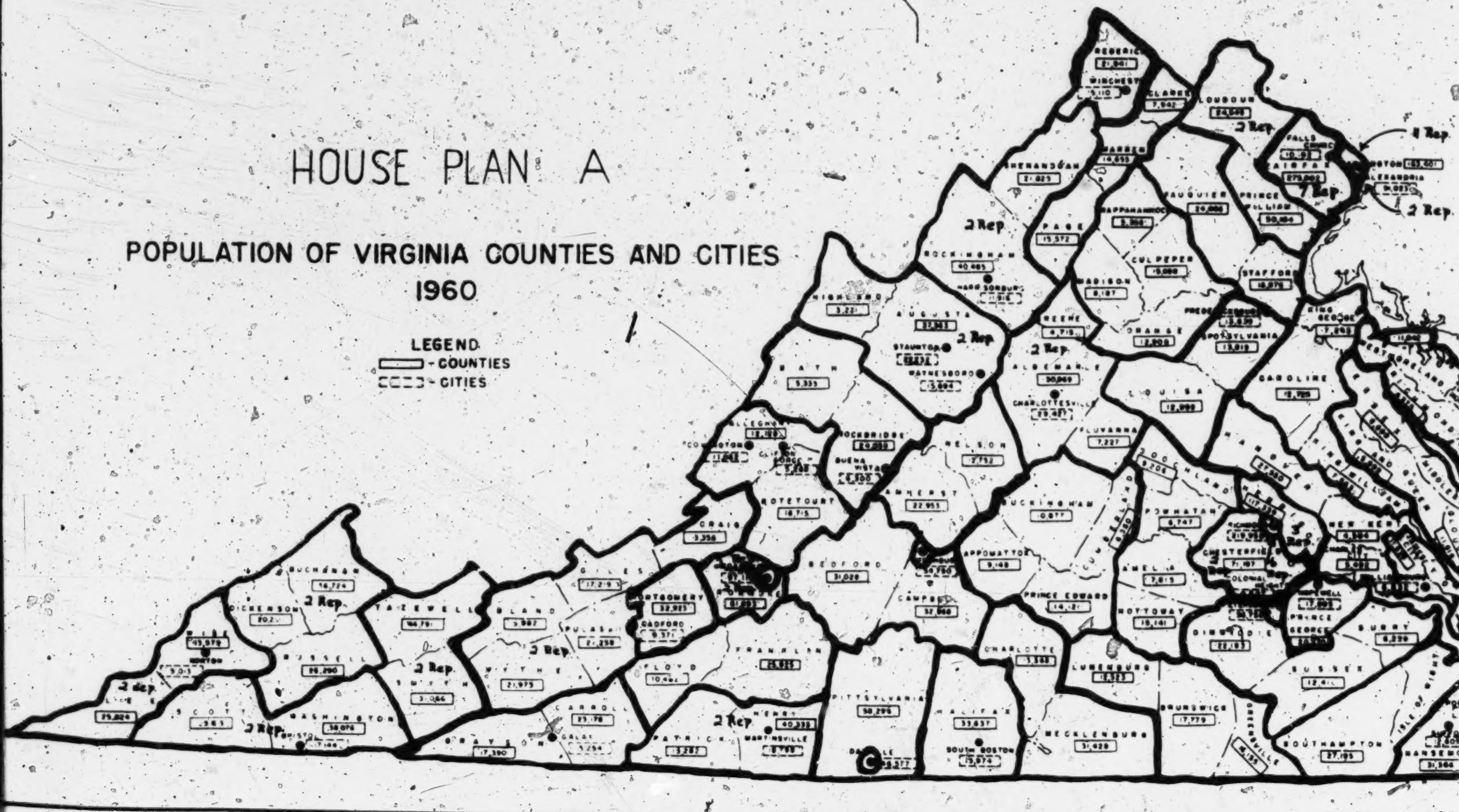


HOUSE PLAN A

# POPULATION OF VIRGINIA COUNTIES AND CITIES

## 1960

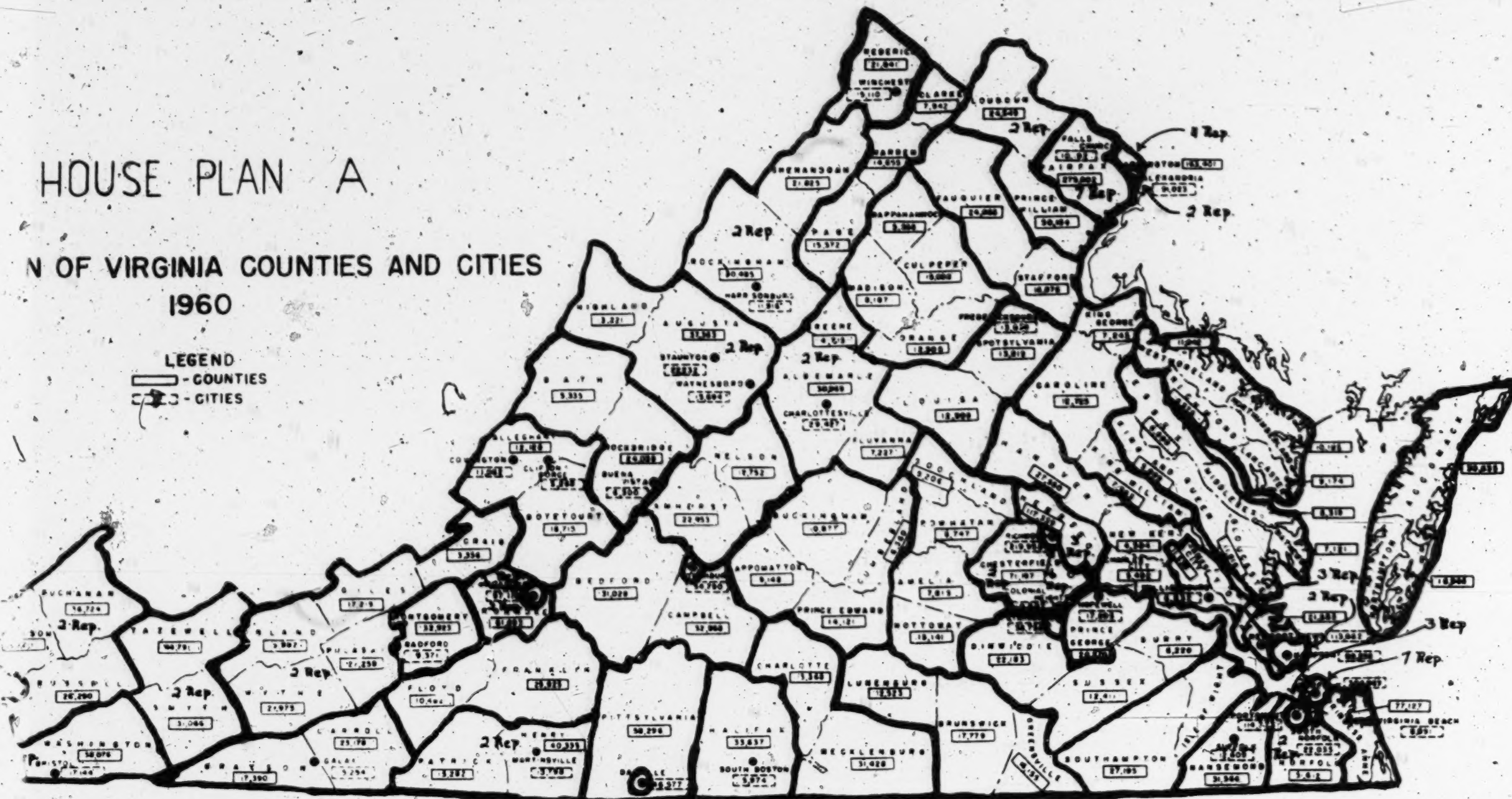
LEGEND  
 - COUNTIES  
 - CITIES



HOUSE PLAN A

N OF VIRGINIA COUNTIES AND CITIES  
1960

LEGEND  
 - COUNTIES  
 - CITIES





**1960  
Census  
of  
Population**

**ADVANCE REPORTS**

**FINAL POPULATION COUNTS**

November 30, 1960

PC(A1)-48

8/28/62 JH

**Virginia**

(These figures supersede the preliminary counts for the same areas published in the PC(P1) and PC(P2) series of reports. The present series consists of 52 reports--one each for the United States, 50 States, and the District of Columbia--which are numbered in alphabetical order rather than in order of publication)

The official population count of the State as of April 1, 1960, was 3,966,949. This is a gain of 648,269, or 19.5 percent, over the 3,318,680 inhabitants of the State in 1950.

This report presents final 1960 Population Census statistics on the number of inhabitants of the State and its counties or comparable areas. In addition, figures are given for minor civil divisions, incorporated or unincorporated places, and for the population of the State and its counties classified by urban-rural residence. Comparable figures from earlier censuses appear in Volume I of the reports of the 1950 Census of Population.

The figures shown here are being issued in advance of their publication in Final Report PC(1)-48A, which will provide additional information on the number and geographic distribution of the inhabitants of this State. The final report will be issued within the next few months.

An outline of the 1960 Population Census publication program may be obtained free of charge from the Bureau of the Census, Washington 25, D.C., or any U.S. Department of Commerce Field Office.

Urban-rural residence.---According to the definition adopted for use in the 1960 Census, the urban population comprises all persons living in (a) places of 2,500 inhabitants or more incorporated as cities, boroughs, villages, and towns (except towns in New England, New York, and Wisconsin); (b) the densely settled urban fringe, whether incorporated or unincorporated, of urbanized areas (see next paragraph); (c) towns in New England and townships in New Jersey and Pennsylvania which contain no incorporated municipalities as subdivisions and have either 25,000 inhabitants or more or a population of 2,500 to 25,000 and a density of 1,500 persons or more per square mile; (d) counties in States other than the New England States, New Jersey, and Pennsylvania that have no incorporated municipalities within their boundaries and have a density of 1,500 persons or more per square mile; and (e) unincorporated places of 2,500 inhabitants or more. The population not classified as urban constitutes the rural population.

Urbanized areas.---An urbanized area contains at least one city of 50,000 inhabitants or more and the surrounding closely settled area, whether incorporated or unincorporated, that meets specified criteria relating to land

[fol. 242]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

PLAINTIFFS' EXHIBIT 4



U.S. DEPARTMENT OF COMMERCE, Frederick H. Mueller, Secretary  
BUREAU OF THE CENSUS, Robert W. Burgess, Director

For sale by the Bureau of the Census, Washington 25, D.C., and U.S. Department of Commerce Field Offices. 15 cents. Complete set of 52 reports, \$6.25.



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use or population density. There are a few urbanized areas where there are "twin central cities" that have a combined population of at least 50,000.

Minor civil divisions.--To the primary political divisions into which counties or comparable areas are divided, the Bureau applies the general term "minor civil divisions." From State to State they are known variously as townships, towns, judicial districts, election precincts, and the like. In some States, incorporated places are minor civil divisions in their own right and in other States they are subordinate to the minor civil division in which they are located, or the pattern is mixed--some incorporated places are independent minor civil divisions, and others are subordinate to the minor civil division.

Places.--The term "place" as used in reports of the population censuses refers to a concentration of population, regardless of the

existence of legally prescribed limits, powers, or functions. Most of the places listed are incorporated as cities, towns, villages, or boroughs, however. In addition, unincorporated places of 1,000 inhabitants or more are also presented. The towns in New England and townships in New Jersey and Pennsylvania recognized as urban are also counted as places.

Incorporated places.--Political units recognized as incorporated places in the reports of the census are those which are incorporated as cities, boroughs, towns, and villages with the exception that towns are not recognized as incorporated places in the New England States, New York, and Wisconsin.

Unincorporated places.--As in the 1950 Census, the Bureau has delineated boundaries for densely settled population centers without corporate limits. All such places of 1,000 inhabitants or more are shown in tables 2 and 3.

Table 1.--POPULATION OF COUNTIES AND INDEPENDENT CITIES, URBAN AND RURAL: 1960

(Percent not shown where less than 0.1)

Counties and independent cities	Total population	Urban				Rural		
		Total	Percent of total population	Urbanized areas	Other urban territory	Total	Places of 1,000 to 2,500	Other rural territory
THE STATE . . . . .	3 966 949	2 204 913	55.6	1 707 786	497 127	1 762 026	108 925	1 653 111
ACCOMACK . . . . .	30 635	...	...	...	...	30 635	3 890	26 745
ALBEMARLE . . . . .	30 969	...	...	...	...	30 969	...	30 969
ALLEGHANY . . . . .	12 128	...	...	...	...	12 128	...	12 128
AMELIA . . . . .	7 815	...	...	...	...	7 815	...	7 815
ANNEST . . . . .	22 953	2 146	9.3	2 146	...	20 807	1 200	19 607
APPOMATTOX . . . . .	9 148	...	...	...	...	9 148	1 184	7 964
ARLINGTON . . . . .	163 401	163 401	100.0	163 401	...	...	...	...
AUGUSTA . . . . .	37 363	...	...	...	...	37 363	...	37 363
BATH . . . . .	5 333	...	...	...	...	5 333	...	5 333
BEDFORD . . . . .	51 028	5 921	19.1	...	5 921	25 107	...	25 107
BLAND . . . . .	5 982	...	...	...	...	5 982	...	5 982
BOTETOURT . . . . .	16 715	...	...	...	...	16 715	1 349	15 366
BRUNSWICK . . . . .	17 779	...	...	...	...	17 779	1 941	15 838
BUCHANAN . . . . .	36 724	...	...	...	...	36 724	3 356	33 368
BUCKINGHAM . . . . .	10 877	...	...	...	...	10 877	...	10 877
CAMPBELL . . . . .	32 958	5 682	17.2	2 383	3 299	27 276	1 070	26 206
CAROLINE . . . . .	12 725	...	...	...	...	12 725	...	12 725
CARROLL . . . . .	23 178	...	...	...	...	23 178	...	23 178
CHARLES CITY . . . . .	5 492	...	...	...	...	5 492	...	5 492
CHARLOTTE . . . . .	13 368	...	...	...	...	13 368	...	13 368
CHESTERFIELD . . . . .	71 197	33 140	46.5	30 142	2 998	38 057	1 290	36 767
CLARKE . . . . .	7 942	...	...	...	...	7 942	1 645	6 297
CRAIG . . . . .	3 354	...	...	...	...	3 354	...	3 354
CULPEPER . . . . .	15 088	...	...	...	...	15 088	2 412	12 676
CUMBERLAND . . . . .	6 360	...	...	...	...	6 360	...	6 360
DICKENSON . . . . .	20 211	...	...	...	...	20 211	1 400	18 811
DINWIDDIE . . . . .	22 183	...	...	...	...	22 183	...	22 183
ESSEX . . . . .	6 690	...	...	...	...	6 690	1 086	5 604
FAIRFAX . . . . .	275 002	214 456	78.0	200 871	13 585	60 546	1 960	58 586
FAUQUIER . . . . .	24 066	3 522	14.6	...	3 522	20 544	...	20 544
FLOYD . . . . .	10 462	...	...	...	...	10 462	...	10 462
FLUVANNA . . . . .	7 227	...	...	...	...	7 227	...	7 227
FRANKLIN . . . . .	25 925	...	...	...	...	25 925	1 412	24 513
FREDERICK . . . . .	21 941	...	...	...	...	21 941	...	21 941
GILES . . . . .	17 219	2 508	14.6	...	2 508	14 711	3 306	11 405
GLOUCESTER . . . . .	11 919	...	...	...	...	11 919	...	11 919
GOCHLAND . . . . .	9 206	...	...	...	...	9 206	...	9 206
GRAYSON . . . . .	17 390	...	...	...	...	17 390	1 039	16 351
GREENE . . . . .	4 715	...	...	...	...	4 715	...	4 715
GREENSVILLE . . . . .	16 155	5 535	34.3	...	5 535	10 620	...	10 620
HALIFAX . . . . .	33 637	...	...	...	...	33 637	...	33 637
HANOVER . . . . .	27 550	2 773	10.1	...	2 773	24 777	...	24 777
HENRICO . . . . .	117 339	83 338	71.0	83 338	...	34 001	1 380	32 621
HENRY . . . . .	40 335	6 734	16.7	...	6 734	33 601	1 499	32 102
HIGHLAND . . . . .	3 221	...	...	...	...	3 221	...	3 221
ISLE OF WIGHT . . . . .	17 164	...	...	...	...	17 164	...	17 164
JAMES CITY . . . . .	11 539	...	...	...	...	11 539	...	11 539
KING AND QUEEN . . . . .	5 889	...	...	...	...	5 889	...	5 889
KING GEORGE . . . . .	7 243	...	...	...	...	7 243	...	7 243
KING WILLIAM . . . . .	7 563	...	...	...	...	7 563	1 678	5 885
LANCASTER . . . . .	9 174	...	...	...	...	9 174	...	9 174
LEE . . . . .	25 824	...	...	...	...	25 824	1 799	24 025
LOUDOUN . . . . .	24 549	2 869	11.7	...	2 869	21 680	1 419	20 261
LOUISA . . . . .	12 959	...	...	...	...	12 959	...	12 959
LUNENBERG . . . . .	12 523	...	...	...	...	12 523	2 925	9 598
MADISON . . . . .	8 187	...	...	...	...	8 187	...	8 187
MATHEWS . . . . .	7 121	...	...	...	...	7 121	...	7 121
MECKLENBURG . . . . .	31 428	5 776	18.4	...	5 776	25 652	1 530	24 122
MIDDLESEX . . . . .	6 319	...	...	...	...	6 319	...	6 319
MONTGOMERY . . . . .	32 923	10 723	32.6	...	10 723	22 200	...	22 200
NANSEMOND . . . . .	31 366	2 636	8.4	...	2 636	28 730	6 060	22 670
NELSON . . . . .	12 752	...	...	...	...	12 752	...	12 752
NEW KENT . . . . .	4 504	...	...	...	...	4 504	...	4 504
NORFOLK . . . . .	51 612	28 135	54.5	28 135	...	23 477	...	23 477
NORTHAMPTON . . . . .	16 966	...	...	...	...	16 966	3 607	13 359
NORTHUMBERLAND . . . . .	10 185	...	...	...	...	10 185	...	10 185
NOTTOWAY . . . . .	15 141	3 659	24.2	...	3 659	11 482	2 012	9 470
ORANGE . . . . .	12 900	2 955	22.9	...	2 955	9 945	1 109	8 836
PAGE . . . . .	15 572	3 014	19.4	...	3 014	12 558	2 878	9 680
PATRICK . . . . .	15 282	...	...	...	...	15 282	...	15 282

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Table 1. POPULATION OF COUNTIES AND INDEPENDENT CITIES, URBAN AND RURAL: 1960--Con.

(Percent not shown where less than 0.1)

Counties and independent cities	Total population	Urban				Rural		
		Total	Percent of total population	Urbanized areas	Other urban territory	Total	Places of 1,000 to 2,500	Other rural territory
PITTSYLVANIA. . . . .	58 296	...	...	...	...	58 296	3 679	54 617
POPMATAN. . . . .	6 747	...	...	...	...	6 747	...	6 747
PRINCE EDWARD. . . . .	14 121	4 293	30.4	...	4 293	9 828	...	9 828
PRINCE GEORGE. . . . .	20 270	...	...	...	...	20 270	...	20 270
PRINCE WILLIAM. . . . .	50 164	11 845	23.6	...	11 845	38 319	2 383	35 936
PRINCESS ANNE. . . . .	76 124	42 717	56.1	37 010	5 707	33 407	7 202	26 205
PULASKI. . . . .	27 258	10 469	38.4	...	10 469	16 789	3 908	12 881
RAPPAHANNOCK. . . . .	5 368	...	...	...	...	5 368	...	5 368
RICHMOND. . . . .	6 375	...	...	...	...	6 375	...	6 375
ROANOKE. . . . .	61 693	27 642	44.8	27 642	...	34 051	...	34 051
ROCKBRIDGE. . . . .	24 039	7 537	31.4	...	7 537	16 502	1 091	15 411
ROCKINGHAM. . . . .	40 485	...	...	...	...	40 485	3 321	37 164
RUSSELL. . . . .	26 290	...	...	...	...	26 290	3 521	22 769
SCOTT. . . . .	25 813	...	...	...	...	25 813	3 416	22 397
SHENANDOAH. . . . .	21 825	...	...	...	...	21 825	4 511	17 314
SHYTH. . . . .	31 066	10 822	34.8	...	10 822	20 244	1 169	19 075
SOUTHAMPTON. . . . .	27 195	7 264	26.7	...	7 264	19 931	...	19 931
SPOTSYLVANIA. . . . .	13 819	...	...	...	...	13 819	...	13 819
STAFFORD. . . . .	16 876	...	...	...	...	16 876	1 478	15 398
SUMRY. . . . .	6 220	...	...	...	...	6 220	...	6 220
SUSSEX. . . . .	12 411	...	...	...	...	12 411	2 616	9 795
TAZENELL. . . . .	44 791	12 198	27.2	...	12 198	32 593	1 313	31 280
WARREN. . . . .	14 655	7 949	54.2	...	7 949	6 706	...	6 706
WASHINGTON. . . . .	38 076	5 165	13.6	...	5 165	32 911	2 892	30 019
WESTMORELAND. . . . .	11 042	...	...	...	...	11 042	1 769	9 273
WISE. . . . .	43 579	7 302	16.8	...	7 302	36 277	7 218	29 059
WYTHE. . . . .	21 975	5 634	25.6	...	5 634	16 341	...	16 341
YORK. . . . .	21 583	5 954	27.6	5 954	...	15 629	...	15 629
INDEPENDENT CITIES								
ALEXANDRIA. . . . .	91 023	91 023	100.0	91 023	...	...	...	...
BRISTOL. . . . .	17 144	17 144	100.0	...	17 144	...	...	...
BUENA VISTA. . . . .	6 300	6 300	100.0	...	6 300	...	...	...
CHARLOTTESVILLE. . . . .	29 427	29 427	100.0	...	29 427	...	...	...
CLIFTON FORGE. . . . .	5 268	5 268	100.0	...	5 268	...	...	...
COLONIAL HEIGHTS. . . . .	9 587	9 587	100.0	...	9 587	...	...	...
COVINGTON. . . . .	11 062	11 062	100.0	...	11 062	...	...	...
DANVILLE. . . . .	46 577	46 577	100.0	...	46 577	...	...	...
FALLS CHURCH. . . . .	10 192	10 192	100.0	10 192	...	...	...	...
FREDERICKSBURG. . . . .	13 639	13 639	100.0	...	13 639	...	...	...
GALAX. . . . .	5 254	5 254	100.0	...	5 254	...	...	...
HAMPTON. . . . .	89 258	89 258	100.0	89 258	...	...	...	...
HARRISONBURG. . . . .	11 916	11 916	100.0	...	11 916	...	...	...
HOPWELL. . . . .	17 895	17 895	100.0	...	17 895	...	...	...
LYNCHBURG. . . . .	54 790	54 790	100.0	54 790	...	...	...	...
MARTINSVILLE. . . . .	18 798	18 798	100.0	...	18 798	...	...	...
NEWPORT NEWS. . . . .	113 662	113 662	100.0	113 662	...	...	...	...
NORFOLK. . . . .	305 872	305 872	100.0	305 872	...	...	...	...
NORTON. . . . .	4 996	4 996	100.0	...	4 996	...	...	...
PETERSBURG. . . . .	36 750	36 750	100.0	...	36 750	...	...	...
PORTSMOUTH. . . . .	114 773	114 773	100.0	114 773	...	...	...	...
RADFORD. . . . .	9 371	9 371	100.0	...	9 371	...	...	...
RICHMOND. . . . .	219 958	219 958	100.0	219 958	...	...	...	...
ROANOKE. . . . .	97 110	97 110	100.0	97 110	...	...	...	...
SOUTH BOSTON. . . . .	5 974	5 974	100.0	...	5 974	...	...	...
SOUTH NORFOLK. . . . .	22 035	22 035	100.0	22 035	...	...	...	...
STAUNTON. . . . .	22 232	22 232	100.0	...	22 232	...	...	...
SUFFOLK. . . . .	12 609	12 609	100.0	...	12 609	...	...	...
VIRGINIA BEACH. . . . .	8 091	8 091	100.0	8 091	...	...	...	...
WAYNESBORO. . . . .	15 694	15 694	100.0	...	15 694	...	...	...
WILLIAMSBURG. . . . .	6 832	6 832	100.0	...	6 832	...	...	...
WINCHESTER. . . . .	15 110	15 110	100.0	...	15 110	...	...	...



UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

July 17, 1961

HOUSE

PLAN B

Total number of districts	= 61
Existing districts used	= 34
Existing districts used as nuclei for new districts	= 15
Completely new districts	= 12

Plan B permits the greatest tolerance in the deviation of district size from the average district size. With few exceptions, the index figures are not less than .75 or greater than 1.25 and those existing districts which fall under this range were left untouched wherever possible.

Extremes of over or underrepresentation in the Plan B are 1.35 and .61.

8/28/62 *JS*

[fol. 246]

PLAINTIFFS' EXHIBIT 5

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## HOUSE OF DELEGATES

## PLAN B

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Augusta Highland Staunton Waynesboro	2	39,255	1.01
Halifax South Boston	1	39,611	1.00
Henry Patrick Martinsville	2	37,207	1.07
Newport News	3	37,887	1.05
Northumberland Westmoreland Lancaster Richmond County	1	36,776	1.08
Montgomery Radford CRAIG	1	45,650	.87
Norfolk County South Norfolk	2	36,823	1.08
Albemarle Greene	1	35,684	1.11
Charlottesville	1	29,427	1.35
or Albemarle Greene Charlottesville	2	32,511	1.22
Madison Culpeper Orange	1	36,175	1.10
Fairfax Falls Church	5	57,039	.70
Arlington	4	40,850	.97
Alexandria	2	45,511	.87
Norfolk	7	43,553	.91
Portsmouth	3	38,258	1.04

[fol. 247]

PLAN B (continued)

2

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Princess Anne Virginia Beach	2	42,609	.93
Richmond	7	31,422	1.26
Hampton	2	44,629	.89
HENRICO	3	37,113	1.07
CHESTERFIELD COLONIAL HEIGHTS	2	40,392	.98
Pittsylvania	1	58,296	.68
Danville	1	46,577	.85
*PITTSYLVANIA DANVILLE	1	104,873	.98 1.06 1.23
or			
PITTSYLVANIA DANVILLE	3	34,957	1.13
Prince George Surry Hopewell	1	44,385	.89
Petersburg Dinwiddie SUSSEX	2	35,672	1.11
JAMES CITY YORK WILLIAMSBURG	1	39,954	.99
Gloucester Mathews Middlesex ESSEX	1	32,049	1.24
Rockingham Harrisonburg SHENANDOAH	2	37,113	1.07
Clark Frederick Winchester	1	44,993	.88

[fol. 248]



PLAN B (continued)

3

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Page Warren RAPPAHANNOCK	1	35,595	1.11
LOUDOUN PRINCE WILLIAM	2	37,357	1.06
Roanoke City	2	48,555	.82
Roanoke County	1	61,693	.64
*ROANOKE CITY ROANOKE COUNTY	1	158,803	.25 1.07 .89
Accomack Northampton	1	47,601	.83
Spotsylvania Fredericksburg LOUISA	1	40,417	.98
FAUQUIER STAFFORD	1	40,942	.97
HANOVER NEW KENT CHARLES CITY	1	37,546	1.06
CAROLINE KING GEORGE KING & QUEEN KING WILLIAM	1	33,420	1.19
Rockbridge Bath Buena Vista	1	35,674	1.11
Alleghany Clifton Forge Covington BOTETOURT	1	45,173	.88
FRANKLIN FLOYD	1	36,387	1.09
Nelson Amherst	1	35,705	1.11
Lynchburg	1	54,790	.72
(or 2 with Campbell or Bedford)		43,874 42,909	.90 .92

[fol. 249]



PLAN B (continued)

4

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Bedford	1	31,028	1.28
Campbell	1	32,958	1.20
Wise Norton LEE	2	37,199	1.07
Washington Bristol SCOTT	2	40,516	.98
Buchanan	1	36,724	1.08
DICKENSON RUSSELL	1	46,501	.85
Tazewell	1	44,791	.89
Smyth	1	31,066	1.28
Grayson Galax PULASKI CARROLL	2	36,540	1.09
WYTHE Bland Giles	1	45,176	.88
Southampton ISLE OF WIGHT	1	44,359	.89
Nansemond Suffolk	1	43,975	.90
Mecklenburg	1	31,428	1.26
Prince Edward Charlotte LUNENBURG	1	40,012	.99
Buckingham Appomattox Cumberland FLUVANNA	1	33,612	1.18
BRUNSWICK GREENSVILLE	1	33,934	1.17

[fol. 250]

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PLAN B (continued)

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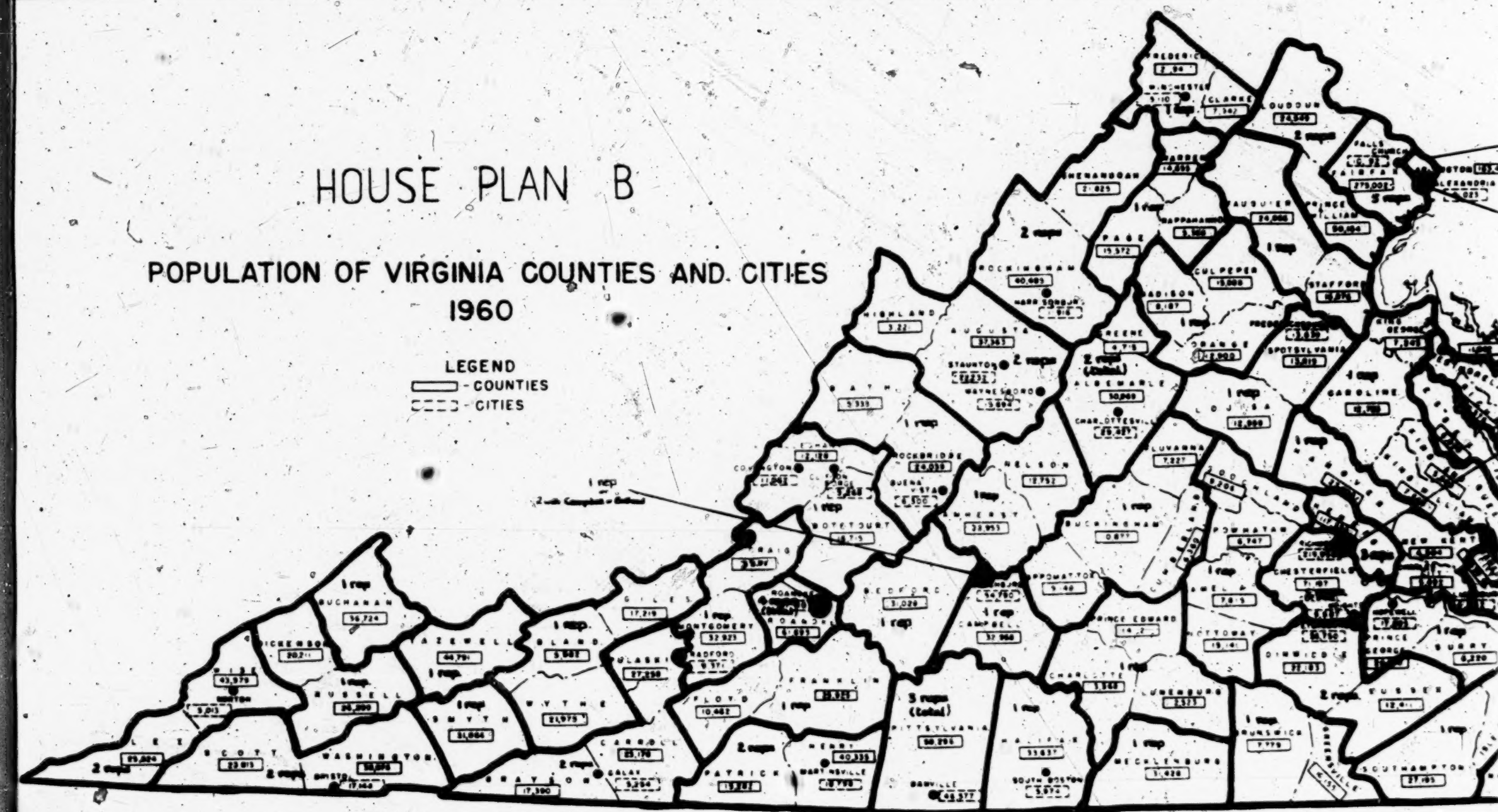
<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Nottoway Amelia Powhatan GOOCHLAND	1	38,909	1.02



## HOUSE PLAN B

POPULATION OF VIRGINIA COUNTIES AND CITIES  
1960

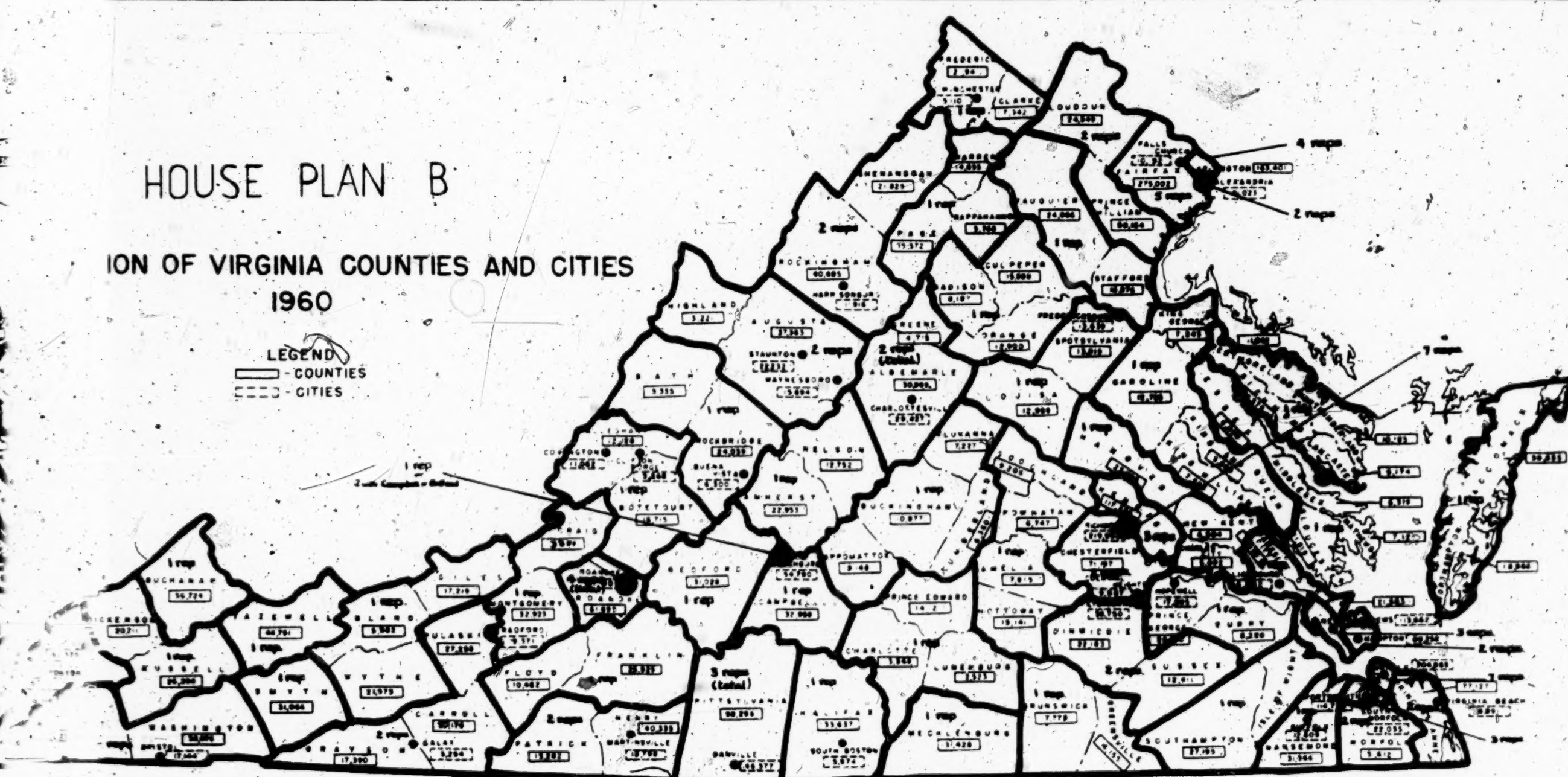
LEGEND  
 — COUNTIES  
 - - - CITIES



## HOUSE PLAN B

POPULATION OF VIRGINIA COUNTIES AND CITIES  
1960

LEGEND  
 — COUNTIES  
 - - - CITIES



[fol. 253]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## PLAINTIFFS' EXHIBIT 6

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

8/28/62 GH\*

August 7, 1961

HOUSE  
PLAN B

SUMMARY OF CHANGES TO  
EXISTING HOUSE DISTRICTS

1. Existing districts retained by House Plan B with the same number of representatives are:

Augusta	2	Charlottesville	1
Highland		Madison	1
Staunton		Culpeper	
Waynesboro		Orange	
Halifax	1	Clarke	1
South Boston		Frederick	
Henry	2	Winchester	
Patrick		Nelson	1
Martinsville		Amherst	
Albemarle	1	Campbell	1
Greene			

\* Penciled notations.



Prince George 1  
 Surry  
 Hopewell

Accomack 1  
 Northampton

Newport News 3

Northumberland 1

Westmoreland

Lancaster

Richmond County

Norfolk County 2

South Norfolk

[fol. 254]

Nansemond 1  
 Suffolk

Mecklenburg 1

Richmond 7 220,000\*

Lynchburg 1

Rockbridge 1

Bath

Buena Vista

Buchanan 1

Tazewell 1

Smyth 1

Bedford 1

Roanoke City 2

Danville 1

Roanoke County 1

2. Existing districts retained but with changes in number of representatives:

Princess Anne 1 to 2  
 Virginia Beach

Hampton 1 to 2

Henrico 1 to 3

Chesterfield 1 to 2

Colonial Heights

Fairfax County 2 to 3

Falls Church

Fairfax City 285,000\*

Norfolk 6 to 7

Arlington 3 to 4

Alexander 1 to 2

Portsmouth 2 to 3

Pittsylvania 2 to 1

*Italicized numerals underscored in original copy.*

## 3. Existing districts that form the nuclei of new districts:

Montgomery Radford	added Craig	1
Petersburg Dinwiddie	added Sussex	2
Gloucester Mathews Middlesex	added Essex	1
Rockingham Harrisonburg	added Shenandoah	2
Page Warren	added Rappahannock	1
Spotsylvania Fredericksburg	added Louisa	1
Alleghany Clifton Forge Covington [fol. 255]	added Botetourt	1
Wise Norton	added Lee	2
Washington Bristol	added Scott	2
Bland Giles	added Wythe	1
Grayson Galax	added Pulaski and Carroll and gained 1 representative	2
Southampton	added Isle of Wight	1
Prince Edward Charlotte	added Lunenburg	1

Buckingham	added Fluvanna	1
Appomattox		
Cumberland		

Nottoway	added Goochland	1
Amelia		
Powhatan		

#### 4. New Districts created :

Pittsylvania	floaters seat	1
Danville		

James City	deleted Charles City and New	1
York	Kent from present district	
Williamsburg		

Loudoun	present district by itself	2
Prince William	with Stafford in present district	

Roanoke City	floaters seat	1
Roanoke County		

Fauquier	with Rappahannock in present	1
	district	

Stafford	with Prince William in present	
	district	

Hanover	with King William in present	1
	district	

New Kent )	deleted from district with James	
Charles City)	City, York, and Williamsburg	

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Caroline )		
King George )	with Essex in present district	1
King and Queen)		

King William	with Hanover in present district	
--------------	----------------------------------	--

Franklin	present district by itself	1
Floyd	with Carroll in present district	

Dickenson	with Buchanan in present floater 1 district	
Russell	present district by itself	
Brunswick	with Lunenburg in present district	1
Greenville	with Sussex in present district	

5. Existing districts that do not appear in House Plan B:

Botetourt—to Alleghany—Clifton Forge—Covington  
Craig—to Montgomery—Radford

Greenville—combined with Brunswick  
Sussex—to Petersburg—Dinwiddie

Shenandoah—to Rockingham—Harrisonburg

Fauquier—combined with Stafford  
Rappahannock—to Page—Warren

Lee—to Wise—Norton

Scott—to Washington—Bristol

Wythe—to Bland—Giles

Brunswick—combined with Greenville  
Lunenburg—to Prince Edward—Charlotte

Fluvanna—to Buckingham—Appomattox—Cumberland

Goöchland—to Nottoway—Amelia—Powhatan

Louisa—to Spotsylvania—Fredericksburg

Loudoun—combined with Prince William

Hanover—combined with New Kent and Charles City  
King William—combined with Caroline, King George,  
King & Queen

Floyd—combined with Franklin

Carroll—combined with Pulaski and added to Grayson  
and Galax

Franklin—combined with Floyd

[fol. 257]

Buchanan )

Dickenson)—floater district eliminated



Accomack—floater district eliminated  
Northampton

Chesterfield )  
Henrico )—floater district eliminated  
Colonial Heights)

Isle of Wight—to Southampton  
Nansemond)

Suffolk ) floater seat made-only district

Amherst )

Lynchburg) floater district eliminated

6. Areas of the Commonwealth that gain representation are:

Arlington, Alexandria, Fairfax area: given 11 seats  
(has 6 now)

Norfolk, Portsmouth, Princess Anne area: given 12  
seats.(has 9 now)

Newport News, Hampton area: given 5 seats (has 4  
now)

Richmond, Henrico, Chesterfield, Colonial Heights  
area: given 12 seats (has 10 now)

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

8/28/62 JH

July 17, 1961

STATE SENATE

Alternate Districting Plans

Plans A, B, and C are submitted as alternate districting plans for the State Senate. Plan A has an alternative plan within it for the southwest area of the State.

The alternative plans can be used in combination with each other for certain purposes, namely, in order to free a representative for assignment elsewhere. This arises from their treatment of the southwestern portion of the State and their treatment of the eastern portion.

Plans A, B, and C all suggest merely 1 Senator for Arlington County. But certain combinations permit Arlington to be given 2 Senators. The results of these various combinations for Arlington County are listed below:

<u>Southwest Area</u>	<u>Eastern Area</u>	<u>Number of Representatives for Arlington County</u>
Plan A	A	1
Plan B	B	1
Plan C	C	1
Plan A-1	A	2
Plan B	A	2
Plan C	A	2

The general areas delineated by the use of Southwest and Eastern areas cited above are indicated on the accompanying maps by the five crosslines.

PLAINTIFFS' EXHIBIT 7

[fol. 258]  
IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207, MINOR HALL

July 17, 1961

SENATE

PLAN A

Total number of districts	= 31
Existing districts used	= 11
Existing districts used as nuclei for new districts	= 6
Completely new districts	= 14

Plan A-1 can be used in the southwestern part of the State with Plan A in the rest of the State so as to free 1 Senator from the southwest region that can be given to Arlington County, giving it a total of 2 Senators.

Plan A employs the least tolerance of deviations of district size from the State average and was unconcerned with preserving existing districts. It consciously sought to achieve as much population equality between districts as practicable.

The solid lines that separate certain district groupings indicate areas of flexibility in districting arrangements where portions of other plans can be utilized.

Extremes of over and underrepresentation in Plan A are 1.22 and .76.

## SENATE

## PLAN A

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
NORFOLK COUNTY SOUTH NORFOLK PRINCESS ANNE VIRGINIA BEACH NORTHAMPTON ACCOMACK	2	103,233	.96
Norfolk City	3	101,623	.98
Portsmouth	1	114,773	.86
Newport News Hampton or NEWPORT NEWS HAMPTON	2 1 1	101,460 113,662 89,258	.98 .87 1.11
SUSSEX Southampton Isle of Wight Nansemond Suffolk	1	100,745	.98
HALIFAX MECKLENBURG BRUNSWICK GREENSVILLE SOUTH BOSTON	1	104,973	.94
GOOCHLAND POWHATAN CUMBERLAND BUCKINGHAM PRINCE EDWARD AMELIA NOTTOWAY CHARLOTTE LUNENBURG	1	96,158	1.03
Lynchburg Campbell APPOMATTOX	1	96,896	1.02
DINWIDDIE PETERSBURG PRINCE GEORGE HOPEWELL SURRY	1	103,318	.96

[fol. 260]



PLAN A (continued)

2

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
CHARLES CITY	1	88,761	1.12
JAMES CITY			
NEW KENT			
WILLIAMSBURG			
YORK			
KING WILLIAM			
KING & QUEEN			
MIDDLESEX			
MATHEWS			
GLOUCESTER			
CHESTERFIELD	2	99,062	1.00
COLONIAL HEIGHTS			
HENRICO			
Richmond City	2	109,979	.90
HANOVER	1	90,984	1.09
CAROLINE			
ESSEX			
KING GEORGE			
WESTMORELAND			
RICHMOND COUNTY			
NORTHUMBERLAND			
LANCASTER			
ALBEMARLE	1	96,101	1.03
CHARLOTTESVILLE			
NELSON			
AMHERST			
STAFFORD	1	92,508	1.07
SPOTSYLVANIA			
FREDERICKSBURG			
LOUISA			
ORANGE			
CULPEPER			
FLUVANNA			
ROCKINGHAM	1	86,243	1.15
HARRISONBURG			
PAGE			
GREENE			
MADISON			
RAPPAHANNOCK			
Shenandoah	1	81,473	1.22
Frederick			
Winchester			
Clarke			
WARREN			

[fol. 261]

PLAN A (continued)

3

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
LOUDOUN PRINCE WILLIAM FAUQUIER	1	98,779	1.00
Fairfax Falls Church	3	95,065	1.04
Bath Highland Augusta Staunton Waynesboro	1	83,845	1.18
Craig Alleghany Clifton Forge Covington Botetourt Bedford Rockbridge Buena Vista	1	109,896	.90
LEE Wise Norton Dickenson	1	94,610	1.05
SCOTT Washington Bristol Smyth	1	112,099	.88
Roanoke City	1	97,110	1.02
MONTGOMERY RADFORD GILES PULASKI	1	86,771	1.14
BLAND WYTHE Grayson Galax Carroll Floyd	1	84,241	1.18
Buchanan Russell Tazewell	1	107,805	.92

[Vol. 262]

262

PLAN A (continued)

4

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Patrick Henry Martinsville Pittsylvania Danville	2	89,644	1.11
ROANOKE FRANKLIN	1	87,618	1.13
ARLINGTON ALEXANDRIA	2	127,212	.78

PLAN A-1

GILES WYTHE PULASKI GRAYSON CARROLL GALAX	1	112,274	.88
Buchanan Russell Tazewell BLAND	1	113,787	.87
PITTSYLVANIA DANVILLE	1	104,873	.95
PATRICK HENRY MARTINSVILLE FRANKLIN FLOYD	1	110,802	.90
MONTGOMERY RADFORD ROANOKE COUNTY	1	103,987	.95
Arlington	2	81,701	1.21
Alexandria	1	91,023	1.09

[Vol. 263]

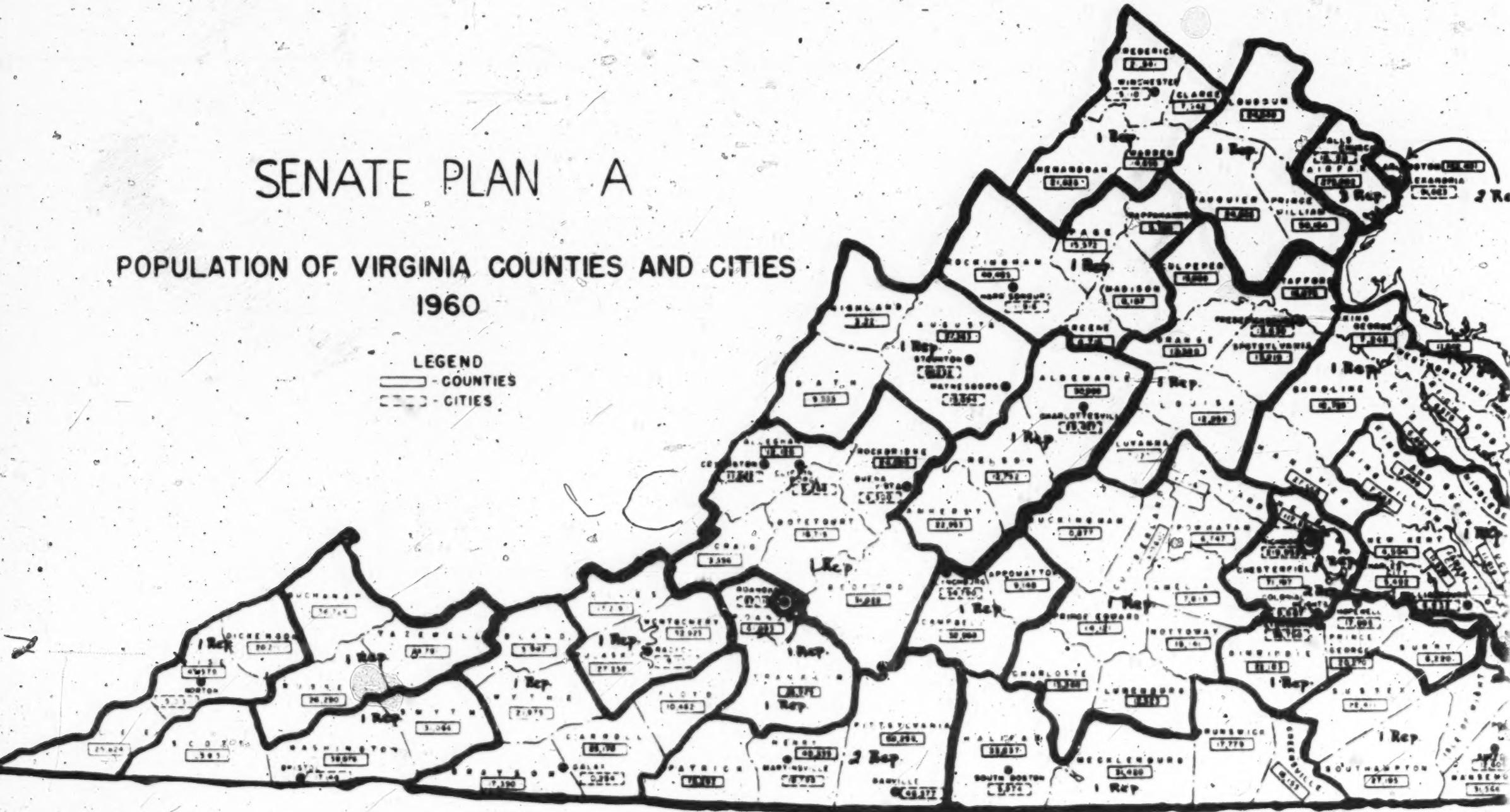


# SENATE PLAN A

## POPULATION OF VIRGINIA COUNTIES AND CITIES

### 1960

LEGEND  
 — COUNTIES  
 --- CITIES

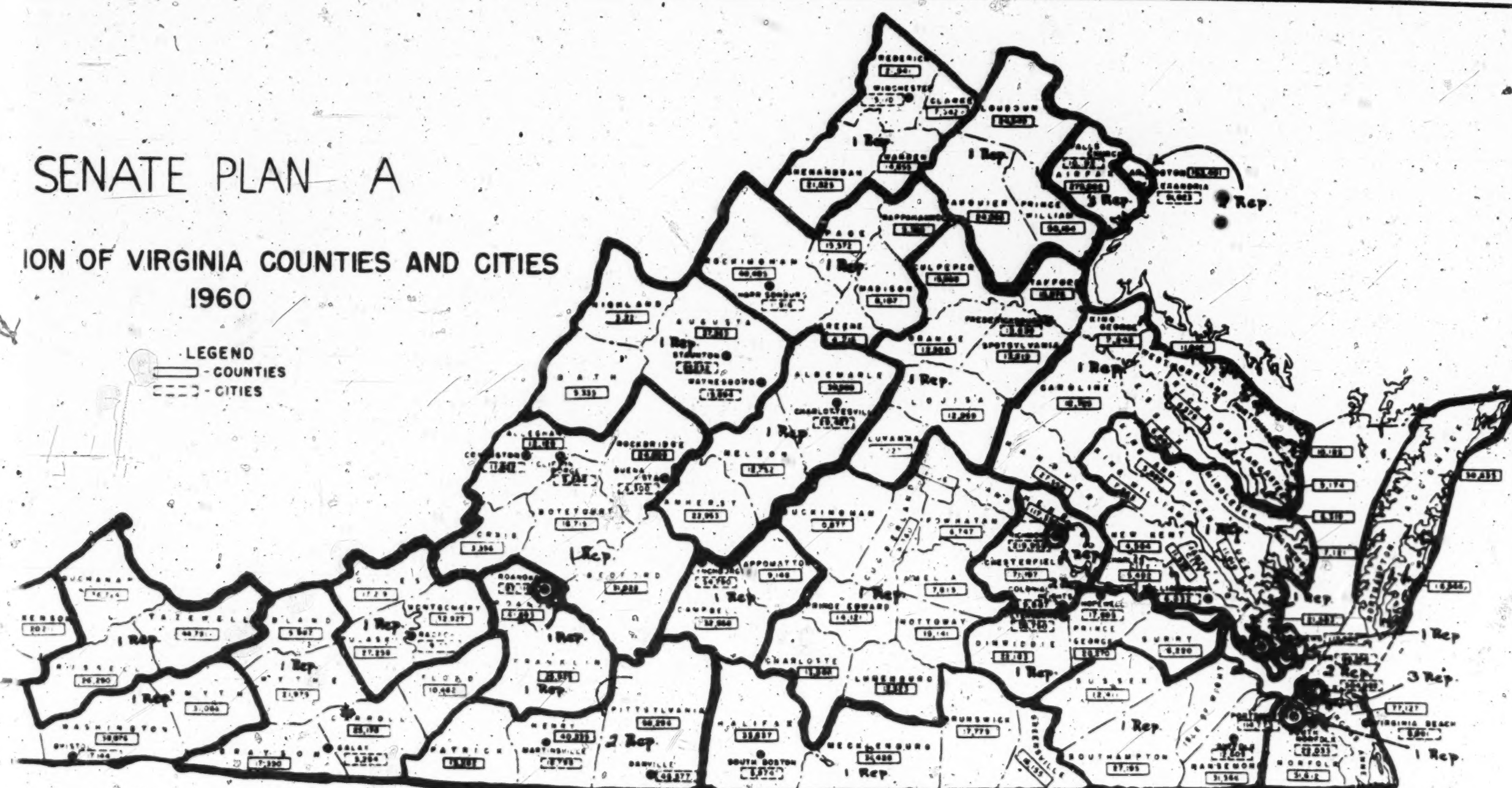


# SENATE PLAN A

## POPULATION OF VIRGINIA COUNTIES AND CITIES

### 1960

LEGEND  
 — COUNTIES  
 --- CITIES





UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

July 17, 1961

SENATE

PLAN B

Total Number of Districts 1	= 31
Existing districts used	= 10
Existing districts used as nuclei for new districts	= 7
Completely new districts	= 14

Plan B offers alternatives in certain districts. The cities of Newport News and Hampton can be joined as a single district with 2 senators, or each city may constitute a separate district with one senator.

Similarly, Chesterfield County and Colonial Heights can be joined with Henrico County in a 2-senator single district; or Chesterfield County and Colonial Heights may be a separate district with one senator, while Henrico also is a separate district with one senator.

This plan is similar in the Southwestern part of the State to Senate Plan A. However, in this plan the additional senator is given to the Southeastern area generally. As a result there is one more district in the Southeastern area than Plan A offers.

Extremes of over and underrepresentation in Plan B are 1.22 and .78.

[fol. 265]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
PLAINTIFFS' EXHIBIT 8

## SENATE

## PLAN B

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
NORFOLK COUNTY	2	103,233	.96
SOUTH NORFOLK			
Princess Anne			
Virginia Beach			
Northampton			
Accomack			
Norfolk City	3	101,623	.98
Portsmouth	1	114,773	.86
Newport News	2	101,460	.98
Hampton			
or			
NEWPORT NEWS	1	113,662	.87
HAMPTON	1	89,258	1.11
Southampton	1	88,334	1.12
Isle of Wight			
Nansemond			
Suffolk			
BRUNSWICK	1	90,730	1.09
Greensville			
Sussex			
Surry			
Prince George			
Hopewell			
HALIFAX	1	84,407	1.17
SOUTH BOSTON			
CHARLOTTE			
MECKLENBURG			
APPOMATTOX	1	84,460	1.17
BUCKINGHAM			
PRINCE EDWARD			
CUMBERLAND			
AMELIA			
POWBATAN			
GOCHLAND			
PLUVANNA			
LOUISA			
Campbell	1	87,748	1.13
Lynchburg			

[fol. 266]

PLAN B (continued)

2

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
LUNENBURG Nottoway Dinwiddie Petersburg	1	86,597	1.15
CHARLES CITY JAMES CITY NEW KENT WILLIAMSBURG YORK KING WILLIAM KING & QUEEN MIDDLESEX MATHES GLOUCESTER	1	88,761	1.12
CHESTERFIELD COLONIAL HEIGHTS HENRICO	2	99,062	1.00
or			
CHESTERFIELD	1	80,784	1.23
COLONIAL HEIGHTS	1	117,339	.85
HENRICO	1	109,979	.90
Richmond City	2	83,741	1.18
CAROLINE ESSEX WESTMORELAND RICHMOND COUNTY NORTHUMBERLAND LANCASTER HANOVER	1	96,101	1.03
ALBEMARLE CHARLOTTESVILLE NELSON AMHERST	1	84,280	1.18
ORANGE CULPEPER SPOTSYLVANIA FREDERICKSBURG STAFFORD KING GEORGE GREENE	1		

[fol. 267]



PLAN B (continued)

3

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
ROCKINGHAM HARRISONBURG PAGE MADISON RAPPAHANNOCK	1	81,528	1.15
Shenandoah Frederick Winchester Clarke WARREN	1	81,473	1.22
LOUDOUN PRINCE WILLIAM FAUQUIER	1	98,779	1.00
Fairfax Falls Church	3	95,065	1.04
Bath Highland Augusta Staunton Waynesboro	1	83,845	1.18
Craig Alleghany Clifton Forge Covington Botetourt Bedford Rockbridge Buena Vista	1	109,896	.90
LEE Wise Dickenson Norton	1	94,610	1.05
SCOTT Washington Smyth Bristol	1	112,099	.88
Roanoke City	1	97,110	1.02
MONTGOMERY RADFORD ROANOKE COUNTY	1	103,987	.95

[fol. 268]



PLAN B (continued)



<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
GILES WYTHE PULASKI GRAYSON CARROLL GALAX	1	112,274	.88
Buchanan Russell Tazewell BLAND	1	113,787	.92
PATRICK HENRY MARTINSVILLE FRANKLIN FLOYD	1	110,802	.90
PITTSYLVANIA DANVILLE	1	104,873	.95
ARLINGTON ALEXANDRIA	2	127,212	.78

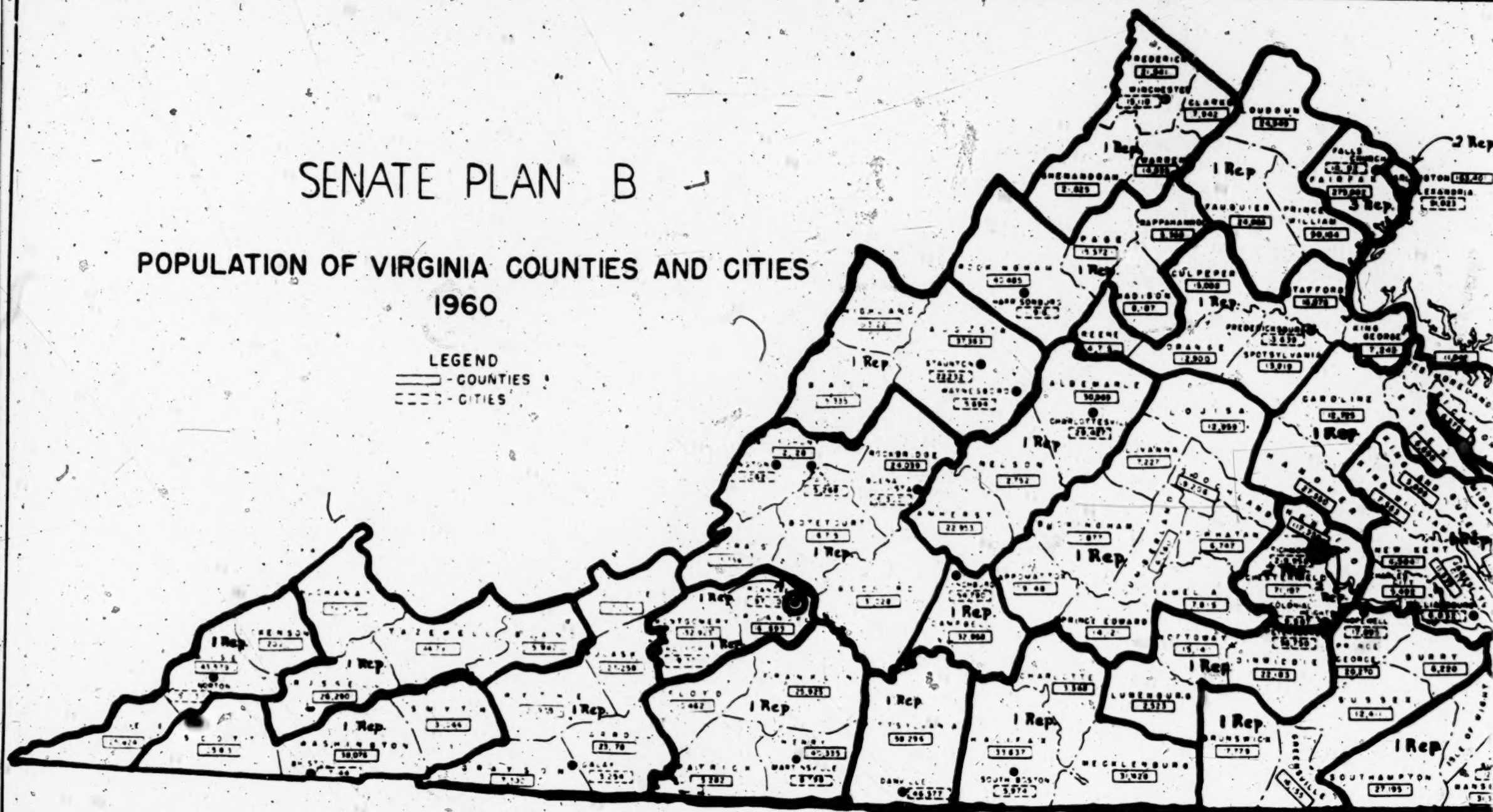
[fol. 269]

# SENATE PLAN B

# POPULATION OF VIRGINIA COUNTIES AND CITIES 1960

### LEGEND

 - COUNTIES  
 - CITIES



[fol. 271]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA \*

## PLAINTIFFS' EXHIBIT 9

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

August 7, 1961

## SENATE

## PLAN B

SUMMARY OF CHANGES TO  
EXISTING SENATE DISTRICTS

1. Existing districts retained by Senate Plan B with the same number of representatives are:

Districts 5, 10, 12, 20, 22, and 35.

2. Existing districts retained but with changes in the number of representatives are:

District 2, City of Norfolk 2 to 3

District 28, Fairfax County 1 to 3  
Falls Church  
Fairfax City

District 32, Hampton 1 to 2  
Newport News

District 34, City of Richmond 3 to 2

3. Existing districts used as nuclei of new districts:

District 1 Gains: Norfolk County (from District 3)  
206,000\*

South Norfolk (from District 3)  
Gains 1 additional representative

\* Pencil notation.

Italicized numerals underscored in original copy.

District 6 Gains: Brunswick (from District 7)

District 8 Gains: Lunenburg (from District 7)

District 15 Gains: Scott (from District 16)

District 17 Gains: Lee (from District 16)

District 18 Gains: Bland (from District 19)

District 24 Gains: Warren (from District 23)

8/28/62 GH\*

[fol. 272]

4. Districts that have been altered by loss or gain of counties:

District 4 Loses: Prince Edward (to District 11)

Gains: Mecklenburg (from District 7)

District 9 combined with District 36

Gains one additional representative

District 11 Loses: Amherst (to District 25)

Nelson (from District 25)

Gains: Prince Edward (from District 4)

Fluvanna (from District 25)

Goochland (from District 26)

Louisa (from District 26).

District 13 Loses: Pittsylvania and Danville which are combined to form a new single member district

Gains: Floyd (from District 14)

Franklin (from District 21)

District 19 Loses: Bland (to District 18)

Gains: Carroll

Grayson

Galax (all from District 14)

District 21 Loses: Franklin (to District 13)

District 23 Loses: Warren (to District 24)

Gains: Madison (from District 25)

\* Pencil notation.



District 25 Loses: Fluvanna (to District 11)  
 Madison (to District 23)  
 Greene (to District 26)

Gains: Nelson (from District 11)  
 Amherst (from District 11)

District 26 Loses: Goochland (to District 11)  
 Louisa (to District 11)

Gains: Greene (from District 25)  
 Culpeper (from District 27)  
 King George (from District 29)  
 Stafford (from District 29)

[fol. 273]

District 27 Loses: Culpeper (to District 26)

Gains: Prince William (from District 29)

District 30 Loses: King William  
 King & Queen  
 Middlesex (all to District 31)

Gains: Lancaster  
 Northumberland  
 Richmond County  
 Westmoreland (all from District 29)

District 31 Loses: Warwick (to District 32)

Gains: King William (from District 30)  
 King & Queen (from District 30)  
 Middlesex (from District 30)  
 Charles City (from District 33)

District 33 Loses: Charles City (to District 31)

Gains one additional representative

5. Districts that do not appear in Senate Plan B are:

District 3 Norfolk County)  
 South Norfolk )—combined with District 1

District 7 Brunswick (to District 6)  
 Lunenburg (to District 8)  
 Mecklenburg (to District 4)

District 14 Carroll (to District 19)  
 Floyd (to District 13)  
 Grayson (to District 19)  
 Galax (to District 19)

District 16 Lee (to District 17)  
 Scott (to District 15)

District 29 King George (to District 26)  
 Lancaster (to District 30)  
 Northumberland (to District 30)  
 Prince William (to District 27)  
 Richmond County (to District 30)  
 Stafford (to District 26)  
 Westmoreland (to District 30)

District 36 Alexandria (combined with District 9—  
 Arlington)

[fol. 274]

6. Areas that gain representation in Senate Plan B:

Fairfax County	
Falls Church	given 5 senators (now has 3)
Arlington	
Alexandria	

Henrico	given 2 senators (now has 1)
Chesterfield	
Colonial Heights	

Norfolk City	given 3 senators (now has 2)
--------------	------------------------------

Hampton	given 2 senators (now has 1)
Newport News	

22

150.

PLAINTIFFS' EXHIBIT 10

See Opposite 15

2

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

July 17, 1961

SENATE

PLAN C

Total Number of Districts	= 33
Existing districts used	= 18
Existing districts used as nuclei of new districts	= 10
Completely new districts	= 5

Plan C permits the greatest tolerance in deviations of districts from the average district size. Generally, existing districts with an index ranging as far from 1.00 as 1.25 and .75 have been left alone, except when it was necessary to adjust a neighboring district so that it might fall within that range. New districts too were created just to fall within the same range, rather than to have them closely approximate 1.00.

Plan C also is guided by the principle of least disturbance to existing districts. Therefore, districts deviating too far from the accepted range have generally been split and their component counties and cities made part of neighboring existing districts. This has resulted in fewer completely new districts, and great use of existing districts with the least amount of new counties and cities added to them.

Extremes of over or underrepresentation in Plan C are 1.35 and .61.

[Fol. 275]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

8/28/62 *HA*



## SENATE

## PLAN C

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Norfolk County South Norfolk	1	73,647	1.35
Accomack Northampton Princess Anne Virginia Beach	1	132,819	.75
Norfolk City	3	101,623	.86
Portsmouth	1	114,773	.86
Newport News	1	113,662	.87
Hampton	1	89,258	1.11
Isle of Wight Southampton Nansemond Suffolk	1	88,334	1.12
Halifax South Boston Charlotte Prince Edward MECKLENBURG	1	99,528	1.00
Greensville Hopewell Prince George Surry Sessex BRUNSWICK	1	90,730	1.09
Appomattox Buckingham Cumberland Powhatan Amherst Nelson Amelia GOOCHLAND	1	85,858	1.16
Campbell Lynchburg	1	87,748	1.13

[fol. 276]

## PLAN C (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Dinwiddie Petersburg Nottoway LUNEBURG	1	86,597	1.15
NEW KENT JAMES CITY WILLIAMSBURG YORK GLOUCESTER MATHEWS CHARLES CITY KING WILLIAM	1	76,553	1.30
CHESTERFIELD HENRICO COLONIAL HEIGHTS	2	99,062	1.00
Richmond	2	109,979	.90
NORTHUMBERLAND LANCASTER MIDDLESEX KING & QUEEN ESSEX CAROLINE HANOVER	1	78,532	1.26
PRINCE WILLIAM STAFFORD KING GEORGE WESTMORELAND RICHMOND	1	91,700	1.08
Albemarle Charlottesville Fluvanna Greene Madison	1	80,525	1.23
FAUQUIER CULPEPER SPOTSYLVANIA FREDERICKSBURG ORANGE LOUISA	1	92,471	1.07

[fol. 277]

PLAN C (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Harrisonburg Page Rappahannock Rockingham Warren	1	87,996	1.13
Clarke Frederick Shenandoah Winchester LOUDOUN	1	91,367	1.09
Fairfax Falls Church	3	95,064	1.04
Augusta Bath Highland Staunton Waynesboro	1	83,845	1.18
GILES Alleghany Bedford Botetourt Buena Vista Clifton Forge Covington Craig Rockbridge	1	127,115	.78
Dickenson Wise Norton LEE	1	94,610	1.05
Bristol Smyth Washington SCOTT	1	112,099	.88
Roanoke City	1	97,110	1.02
Franklin Montgomery Radford Roanoke County	1	129,912	.76

[fol. 278]

PLAN C (continued)

<u>District</u>	<u>Number of Representatives</u>	<u>Population per Representative</u>	<u>Index</u>
Grayson Galax Carroll Floyd WYTHE PULASKI	1	105,517	.94
Buchanan Russell Tazewell BLAND	1	113,787	.87
Danville Henry Martinsville Patrick Pittsylvania	2	89,644	1.11
Arlington	1	163,401	.61
Alexandria	1	91,023	1.09



IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

PLAINTIFFS' EXHIBIT 11

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

August 7, 1961

SENATE  
PLAN C

SUMMARY OF CHANGES TO  
EXISTING SENATE DISTRICTS

1. Existing districts retained by Senate Plan C with the same number of representatives are:

Districts 1, 3, 5, 9, 10, 12, 13, 21, 22, 23, 25, 35, and 36.

2. Existing districts retained but with changes in the number of representatives are:

District 2, City of Norfolk 2 to 3

District 28, Fairfax County 1 to 3  
Falls Church  
Fairfax City

District 34, City of Richmond 3 to 2

District 32, Hampton  
Newport News (is divided into two districts with one senator for each of the cities, instead of 1 for both as now)

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Italicized numerals underscored in original copy.

3. Existing districts used as nuclei of new districts:

District 4 Gains: Mecklenburg (from District 7)

District 6 Gains: Brunswick (from District 7)

District 8 Gains: Lunenburg (from District 7)

District 11 Gains: Goochland (from District 26)

District 14 Gains: Wytthe (from District 19)  
Pulaski (from District 19)

District 15 Gains: Scott (from District 16)

8/28/62 GH\*

[fol. 281]

District 17 Gains: Lee (from District 16)

District 18 Gains: Bland (from District 19)

District 20 Gains: Giles (from District 19)

District 24 Gains: Loudoun (from District 27)

4. Districts that have been altered by loss or gain of counties:

District 26 Loses: Goochland (to District 11)

Gains: Fauquier (from District 27)  
Culpeper (from District 27)

District 29 Loses: Lancaster (to District 30)  
Northumberland (to District 30)

District 30 Loses: King William (to District 31)

Gains: Lancaster (from District 29)  
Northumberland (from District  
29)

District 31 Loses: Warwick portion of Newport News  
to the Newport News district

Gains: Charles City (from District 33)  
King William (from District 30)

District 33 Loses: Charles City (to District 31)

Gains one additional senator

## 5. Districts that do not appear in Senate Plan C are:

District 7 Mecklenburg (to District 4)  
 Lunenburg (to District 8)  
 Brunswick (to District 6)

District 16 Lee (to District 17)  
 Scott (to District 15)

District 19 Wythe (to District 14)  
 Pulaski (to District 14)  
 Bland (to District 18)  
 Giles (to District 20)

District 27 Loudoun (to District 24)  
 Fauquier (to District 26)  
 Culpeper (to District 26)

[fol. 282]

## 6. Areas that gain representation in Senate Plan C:

Fairfax County  
 Falls Church  
 Arlington  
 Alexandria

given 5 senators (now has 3)

Henrico  
 Chesterfield  
 Colonial Heights

given 2 senators (now has 1)

Norfolk City

given 3 senators (now has 2)

Hampton  
 Newport News

given 2 senators (now has 1)

[fol. 283]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

PLAINTIFFS' EXHIBIT 12

REAPPORTIONMENT OF  
THE STATE FOR REPRESENTATION

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REPORT OF THE  
COMMISSION ON REDISTRICTING

to

THE GOVERNOR

and

THE GENERAL ASSEMBLY OF VIRGINIA

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[EMBLEM]

8/28/62 GH\*

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COMMONWEALTH OF VIRGINIA  
*Department of Purchases and Supply*  
Richmond  
1961

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\* Pencil notation.



[fol. 284]

## MEMBERS OF COMMISSION

---

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 WILLIAM T. MUSE  
 H. L. OPIE, JR.  
 MOSBY G. PERROW, JR.  
 JAMES W. ROBERTS  
 WILLIAM A. STUART  
 G. A. TREACLE

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## STAFF

JOHN B. BOATWRIGHT, JR.  
 WILDMAN S. KINCHELOE, JR.  
 FLETCHER W. HARKRADER, JR.  
 G. M. LAPSLEY

[fol. 285]

REAPPORTIONMENT OF THE STATE  
 FOR REPRESENTATION

Richmond, Virginia, November 15, 1961

To:

HONORABLE J. LINDSAY ALMOND, JR., *Governor of Virginia*  
 and  
 THE GENERAL ASSEMBLY OF VIRGINIA

The results of the census of 1960 became available in late 1960. Your Excellency in January, 1961, created a commission to report with recommendations concerning the apportionment of representation in the General Assembly and in the House of Representatives of the Congress. The letter of appointment of The Commission designated Lawrence H. Hoover as Chairman and Charles R. Fenwick as Vice-Chairman.

The other members of the Commission were: Thos. H. Blanton, member of the Senate of Virginia, Bowling Green; J. L. Camblos, member of the House of Delegates, Big Stone Gap; Robert L. Clark, member of the House of Delegates, Stuart; John Warren Cooke, member of the House of Delegates, Mathews; Weldon Cooper, Charlottesville; Albert Edward Cox, Danville; W. E. Cundiff, Vinton; Garland Gray, member of the Senate of Virginia, Waverly; Omer L. Hirst, Annandale; Edward M. Hudgins, member of the House of Delegates, Richmond; Herbert V. Kelly, Newport News; Garland E. Moss, Chase City; William T. Muse, University of Richmond, Virginia; H. L. Opie, Jr., Staunton; Mosby G. Perrow, Jr., member of the Senate of Virginia, Lynchburg; James W. Roberts, member of the House of Delegates, Norfolk; William A. Stuart, Abingdon; G. A. Treake, Portsmouth. The Commission appointed John B. Boatwright, Jr., and W. S. Kincheloe, Jr., as Secretary and Recording Secretary, respectively.

At the first meeting of the Commission on April 24, 1961, it was decided to request the Bureau of Public Administration of the University of Virginia to prepare data showing the populations represented in the several legislative and Congressional districts. The Bureau supplied this information as well as a great deal of other material, all of which has been most helpful to the Commission.

The Commission sought the views of all persons who had proposals to make concerning the reapportionment of the State. It held two public hearings, one in Roanoke and the other in Richmond, after due publicity, both of which were well attended and at which a number of suggestions were received. In addition, a number of plans were sent the Commission for its consideration. All these plans and suggestions were carefully studied.

The controlling case in Virginia on reapportionment of the House of Representatives of the Congress is the case of *Brown v. Saunders*—159 Va. 28, 166 S.E. 105. Information was obtained concerning cases pending in the Supreme Court of the United States involving the question of reapportionment, cases decided in certain of the federal courts in which the same question was passed upon, and other material of like nature. Consultations were held with the Attorney General and his staff and these have been of great value to the Commission.

In view of the considerable volume of information before the Commission, it was agreed to appoint a Steering Committee, composed of representatives from each of the Congressional Districts to study the material before the Commission and to prepare a plan or plans involving reapportionment of the General Assembly and of the House of Representatives of the Congress. The Steering Committee met on numerous occasions and made its report to the full Commission, complete with suggested plans and maps outlining the proposed districts.

The Commission has carefully considered all of the material available to it, the views expressed at the public hearings, the information received by mail and otherwise, the judicial decisions in point, the report of the Steering Committee, and now submits its recommendations:

1. The present apportionment of the House of Representatives of the Congress should remain as it is.
2. The proposed plan for the apportionment of the State Senate should be adopted.
3. The proposed plan for the apportionment of the House of Delegates should be adopted.

## REASONS FOR RECOMMENDATIONS

[fol. 287]

### THE GENERAL ASSEMBLY

Section 43, the controlling section for redistricting the General Assembly is as follows:

"Section 43. The present apportionment of the Commonwealth into senatorial and house districts shall continue; but a reapportionment shall be made in the year nineteen hundred and thirty-two and every ten years thereafter."

The Constitution does not lay down specific requirements as to factors to be observed in redistricting the General Assembly. We have attempted to keep in mind in our [col. 288] plan the factors of compactness, contiguity, ease of access and communication, community of interest, and a reasonable degree of equality of representation. The map of Virginia and the bare population data for the counties and cities, important as they are, do not indicate the other features which must be considered. We have endeavored to give due consideration to all factors in presenting the plans set out below.

It must be remembered that occasionally a district which may be under-represented in the House of Delegates may be over-represented in the Senate. Hence, the combined representation of the House and Senate should be considered in determining the extent of over or under-representation in the area.

## 2. THE SENATE OF VIRGINIA

In the reapportionment of the Senate, we have attempted to take into consideration the representation afforded under the reapportionment of the House of Delegates since, as noted, one may be used to offset the other in certain cases. As is the case in the House plan, we sought to preserve existing districts and create new districts on the basis of community of interest, a reasonable degree of equality in population, and compactness and contiguity. Areas which have grown have been given additional representation and areas which have lost population to a marked degree have lost representation. The adjustments and changes which are possible are numerous, but those which we have made appear, in our opinion, reasonable and fair. The districts range in representation per senator from a low of 67,000 to a high of 163,401. (This latter case is Arlington, which, however, is also assigned a floater senator, not reflected in this figure.) The proposed redistricting of the Senate is as follows:



Proposed Districts	Population	No. of Senators	Population per Senator
Accomack	30,635	1	132,819
Northampton	16,966		
Princess Anne	77,127		
Virginia Beach	8,091		
	132,819		
Norfolk County	51,612	1	117,622
South Norfolk	22,035		
Nansemond	31,366		
Suffolk	12,609		
	117,622		
Norfolk City	304,869	3	101,623
Prince George	20,270	1	101,155
Hopewell	17,895		
Surry	6,220		
Sussex	12,411		
Southampton	27,195		
Isle of Wight	17,164		
	101,155		
[fol. 289]			
Lunenburg	12,523	1	77,885
Mecklenburg	31,428		
Brunswick	17,779		
Greenville	16,155		
	77,885		
Dinwiddie	22,183	1	74,074
Petersburg	36,750		
Nottoway	15,141		
	74,074		
Halifax	33,637	1	67,100
South Boston	5,974		
Charlotte	13,368		
Prince Edward	14,121		
	67,100		

Proposed Districts	Population	No. of Senators	Population per Senator
Amherst	22,953	1	76,652
Nelson	12,752		
Appomattox	9,148		
Buckingham	10,877		
Cumberland	6,360		
Powhatan	6,747		
Amelia	7,815		
	<hr/> 76,652		
Lynchburg	54,790	1	87,748
Campbell	32,958		
	<hr/> 87,748		
Pittsylvania	58,296	2	89,644
Danville	46,577		
Henry	40,335		
Martinsville	18,798		
Patrick	15,282		
	<hr/> 179,288		
Portsmouth	114,773	1	114,773
Grayson	17,390	1	98,578
Galax	5,254		
Carroll	23,178		
Floyd	10,462		
Montgomery	32,923		
Radford	9,371		
	<hr/> 98,578		
Roanoke County	61,693	1	87,618
Franklin	25,925		
	<hr/> 87,618		
[fol. 290]			
Scott	25,813	1	81,033
Washington	38,076		
Bristol	17,144		
	<hr/> 81,033		

Proposed Districts	Population	No. of Senators	Population per Senator
Roanoke City	97,110	1	97,110
Lee	25,824	1	94,627
Wise	43,579		
Norton	5,013		
Dickenson	20,211		
	<hr/> 94,627		
Buchanan	36,724	1	107,805
Russell	26,290		
Tazewell	44,791		
	<hr/> 107,805		
Bland	5,982	1	103,500
Giles	17,219		
Smyth	31,066		
Wythe	21,975		
Pulaski	27,258		
	<hr/> 103,500		
Craig	3,356	1	109,896
Alleghany	12,128		
Covington	11,062		
Clifton Forge	5,268		
Botetourt	16,715		
Rockbridge	24,039		
Buena Vista	6,300		
Bedford	31,028		
	<hr/> 109,896		
Highland	3,221	1	83,845
Bath	5,335		
Augusta	37,363		
Staunton	22,232		
Waynesboro	15,694		
	<hr/> 83,845		

Proposed Districts	Population	No. of Senators	Population per Senator
Rockingham	40,485	1	87,996
Harrisonburg	11,916		
Page	15,572		
Rappahannock	5,368		
Warren	14,655		
	<hr/> 87,996		
[fol. 291]			
Shenandoah	21,825	1	91,367
Frederick	21,941		
Winchester	15,110		
Clarke	7,942		
Loudoun	24,549		
	<hr/> 91,367		
Richmond City	219,958	2	109,979
Henrico	117,339	1	117,339
Newport News	113,662	1	113,662
Chesterfield	71,197	1	104,647
Colonial Heights	9,587		
Charles City	5,492		
James City	11,539		
Williamsburg	6,832		
	<hr/> 104,647		
Hampton	89,258	1	110,841
York	21,583		
	<hr/> 110,841		
Caroline	12,725	1	90,280
Hanover	27,550		
Essex	6,690		
King and Queen	5,889		
King William	7,563		
New Kent	4,504		
Gloucester	11,919		
Mathews	7,121		
Middlesex	6,319		
	<hr/> 90,280		



Proposed Districts	Population	No. of Senators	Population per Senator
Fauquier	24,066	1	101,677
Culpeper	15,088		
Orange	12,900		
Spotsylvania	13,819		
Fredericksburg	13,639		
Louisa	12,959		
Goochland	9,206		
	101,677		
Prince William	50,164	1	111,059
Stafford	16,876		
King George	7,243		
Westmoreland	11,042		
Northumberland	10,185		
Richmond County	6,375		
Lancaster	9,174		
	111,059		
[fol. 292]			
Madison	8,187	1	80,525
Greene	4,715		
Albemarle	30,969		
Charlottesville	29,427		
Fluvanna	7,227		
	80,525		
Alexandria	91,023	1	91,023
Arlington	163,401	1	163,401
Fairfax County	261,417	2	142,597
Fairfax City	13,585		
Falls Church	10,192		
	285,194		
Arlington	163,401	1	448,595
		(floater seat)	
Fairfax County	261,417		
Fairfax City	13,585		
Falls Church	10,192		
	448,595		
Total		40	

One feature that is striking in the proposal we are submitting is the addition of a floater senator for the district composed of Arlington, Fairfax County and City, and the city of Falls Church. Up to this time there has been only one instance of a floater senator in Virginia.

It is fortunate that the reapportionment of the Senate can become effective shortly after the 1962 Session of the General Assembly because the entire Senate must be re-elected in 1963, as well as the House of Delegates. Hence, a better and more effective representation can go into play more quickly than was the case ten years ago.

### 3. THE HOUSE OF DELEGATES OF VIRGINIA

The plan which we propose for reapportionment of the House is as follows:

Proposed Districts	Population	No. of Delegates	Population per Delegate
Accomack	30,635	1	30,635
Accomack (floater)	30,635	1	47,601
Northampton	16,966		
	<hr/> 47,601		
[fol. 293]			
Virginia Beach	8,091	2	42,609
Princess Anne	77,127		
	<hr/> 85,218		
Norfolk City	304,869	7	43,553
Portsmouth	114,773	2	57,387
Norfolk County	51,612	2	36,823
South Norfolk	22,035		
	<hr/> 73,647		
Nansemond	31,366	2	44,167
Suffolk	12,609		
Isle of Wight	17,164		
Southampton	27,195		
	<hr/> 88,334		

Proposed Districts	Population	No. of Delegates	Population per Delegate
Surry	6,220	1	34,786
Sussex	12,411		
Greensville	16,155		
	<hr/> 34,786		
Lunenburg	12,523	1	30,302
Brunswick	17,779		
	<hr/> 30,302		
Mecklenburg	31,428	1	31,428
Prince George	20,270	1	38,165
Hopewell	17,895		
	<hr/> 38,165		
Petersburg	36,750	1	36,750
Dinwiddie	22,183	1	45,139
Nottoway	15,141		
Amelia	7,815		
	<hr/> 45,139		
Powhatan	6,747	1	36,736
Cumberland	6,360		
Buckingham	10,877		
Nelson	12,752		
	<hr/> 36,736		
[fol. 294]			
Charlotte	13,368	1	36,637
Prince Edward	14,121		
Appomattox	9,148		
	<hr/> 36,637		
Hampton	89,258	2	44,629
Newport News	113,662	3	37,887
James City	11,539	1	45,446
York	21,583		
Williamsburg	6,832		
Charles City	5,492		
	<hr/> 45,446		

Proposed Districts	Population	No. of Delegates	Population per Delegate
Hanover	27,550	1	39,617
King William	7,563		
New Kent	4,504		
	39,617		
Gloucester	11,919	1	25,359
Mathews	7,121		
Middlesex	6,319		
	25,359		
Northumberland	10,185	1	36,776
Westmoreland	11,042		
Lancaster	9,174		
Richmond County	6,375		
	36,776		
King George	7,243	1	32,547
Caroline	12,725		
Essex	6,690		
King and Queen	5,889		
	32,547		
Spotsylvania	13,819	1	44,334
Fredericksburg	13,639		
Stafford	16,876		
	44,334		
Prince William	50,164	1	50,164
Fluvanna	7,227	1	29,392
Goochland	9,206		
Louisa	12,959		
	29,392		
[fol. 295]			
Albemarle	30,969	1	35,684
Greene	4,715		
	35,684		



Proposed Districts	Population	No. of Delegates	Population per Delegate
Charlottesville	29,427	1	29,427
Richmond City	219,958	6	36,660
Henrico	117,339	3	39,113
Chesterfield	71,197	2	40,392
Colonial Heights	9,587		
	<hr/> 80,784		
Halifax	33,637	1	39,611
South Boston	5,974		
	<hr/> 39,611		
Lynchburg	54,790	1	54,790
Lynchburg (floater)	54,790	1	77,743
Amherst	22,953		
	<hr/> 77,743		
Campbell	32,958	1	32,958
Bedford	31,028	1	31,028
Pittsylvania	58,296	2	29,148
Danville	46,577	1	46,577
Rockbridge	24,039	1	35,674
Buena Vista	6,300		
Bath	5,335		
	<hr/> 35,674		
Augusta	37,363	2	39,255
Staunton	22,232		
Waynesboro	15,694		
Highland	3,221		
	<hr/> 78,510		
Culpeper	15,088	1	36,175
Madison	8,187		
Orange	12,900		
	<hr/> 36,175		

[fol. 296]

Proposed Districts	Population	No. of Delegates	Population per Delegate
Page	15,572	1	30,227
Warren	14,655		
	30,227		
Rockingham	40,485	1	52,401
Harrisonburg	11,916		
	52,401		
Rockingham (floater)	40,485	1	74,226
Harrisonburg (floater)	11,916		
Shenandoah	21,825		
	74,226		
Fauquier	24,066	1	29,434
Rappahannock	5,368		
	29,434		
Loudoun	24,549	1	24,549
Frederick	21,941	1	44,993
Winchester	15,110		
Clarke	7,942		
	44,993		
Alleghany	12,128	1	31,814
Covington	11,062		
Clifton Forge	5,268		
Craig	3,356		
	31,814		
Roanoke County	61,693	1	61,693
Roanoke County (floater)	61,693	1	78,408
Botetourt	16,715		
	78,408		

Proposed Districts	Population	No. of Delegates	Population per Delegate
Roanoke City	97,110	2	48,555
Montgomery	32,923	1	42,294
Radford	9,371		
	<hr/> 42,294		
Franklin	25,925	1	36,387
Floyd	10,462		
	<hr/> 36,387		
[fol. 297]			
Grayson	17,390	1	45,822
Galax	5,254		
Carroll	23,178		
	<hr/> 45,822		
Wythe	21,975	1	27,957
Bland	5,982		
	<hr/> 27,957		
Pulaski	27,258	1	44,477
Giles	17,219		
	<hr/> 44,477		
Smyth	31,066	1	31,066
Tazewell	44,791	1	44,791
Patrick	15,282	2	37,208
Henry	40,335		
Martinsville	18,798		
	<hr/> 74,415		
Buchanan	36,724	1	36,724
Wise	43,579	2	34,402
Norton	5,013		
Dickenson	20,211		
	<hr/> 68,803		

Proposed Districts	Population	No. of Delegates	per Delegate Population
Lee	25,824	1	25,824
Scott	25,813	1	25,813
Russell	26,290	1	26,290
Washington	38,076	2	27,610
Bristol	17,144		
	<hr/> 55,220		
Fairfax County	261,417	4	71,299
Fairfax City	13,585		
Falls Church	10,192		
	<hr/> 285,194		
Alexandria	91,023	2	45,512
Arlington	163,401	3	54,467
Total		100	

[fol. 298] In reviewing the foregoing, it is obvious that there are discrepancies in population; the lowest population per delegate appears to be 24,549 and the highest 71,299. (This does not include the floater districts because there is no effective way to indicate the population per delegate in such cases.)

In line with the shifts in population in the State, the representation of a number of districts has been decreased and that of other districts has been increased. We are aware that the increases where given may not be sufficient on an arithmetic basis to satisfy the people in the areas concerned. However, additional representation must come from other areas and there are limits to how far this process can go. Further, congested areas make it easier for a member of the General Assembly to represent many more people effectively than is the case in those areas which are widely scattered, or split by natural barriers, or have other factors which restrict communication between the legislator and his constituents. In summary, we have attempted to allocate to the growing areas as much as we could, realizing that the areas which must give up representation will do so with the greatest reluctance.



## WORK OF STAFF

The Bureau of Public Administration of the University of Virginia, and especially Dr. Ralph Eisenberg of the Bureau, were of material assistance to the Commission. They furnished us a number of studies of the apportionments which have been made in this State, and upon our request made comments upon the plans submitted to us which were of great value in making an evaluation of the proposals received. Our task has been made much easier by the work of Dr. Eisenberg and the Bureau and we wish to acknowledge our indebtedness.

The services of Mr. John B. Boatwright, Jr., Director of the Division of Statutory Research and Drafting, who served as Secretary to the Commission, and of the entire staff of his excellent office were invaluable throughout our deliberations, and in the formulation of this report.

Our research at the outset disclosed that throughout the nation numerous standards are employed in measuring the comparative representativeness of state legislatures. We were immediately impressed by the fact that Virginia, irrespective of the standard of measurement applied, has consistently ranked high in this regard, easily within the top one-fifth ( $1/5$ ) of all the states. This record, we believe, is the result of a long standing tradition of the General Assembly in using population as the *primary* criterion for reapportionment, but, at the same time, weaving into the pattern of representation a wise understanding and recognition of other realistic factors and unique problems presented by the diverse areas and interests of the Commonwealth.

This Commission has endeavored to develop a redistricting plan which will, if adopted, perpetuate this tradition. We feel we have accomplished that purpose despite the sharp increase in the population of the State during the past decade, and notwithstanding the marked shifts in the pattern of population.

We commend the plan herein set forth to the General Assembly. Its adoption, in our opinion, will keep Virginia high in rank among the 50 states in the representative character of its law-making bodies, if not actually advance

it still higher as one of the most representative state legislatures in the United States.

[fol. 299] Until such time as better proposals are offered, we expect to support the plans as the constitutional discharge of the mandate of Sections 43 and 55 of the Constitution of Virginia.

Respectfully submitted,

LAWRENCE H. HOOVER, Chairman  
 CHARLES R. FENWICK, Vice-Chairman  
 THOS. H. BLANTON  
 J. L. CAMBLOS  
 ROBERT L. CLARK  
 JOHN WARREN COOKE  
 WELDON COOPER  
 ALBERT EDWARD COX  
 W. E. CUNDIFF  
 OMER L. HIRST •  
 EDWARD M. HUDGINS  
 HERBERT V. KELLY  
 GARLAND E. MOSS  
 WILLIAM T. MUSE  
 H. L. OPIE, JR.  
 MOSBY G. PERROW, JR.  
 JAMES W. ROBERTS  
 WILLIAM A. STUART  
 G. A. TREACLE

• See attached statement

STATEMENT OF CHARLES R. FENWICK,  
 STATE SENATOR ARLINGTON

I believe the Commission on Redistricting appointed by His Excellency, the Governor, has performed an outstanding service to the Commonwealth, and in the main I concur in its conclusions. I cannot, however, out of fairness to the Counties of Fairfax and Arlington, concur in the conclusions of the Commission regarding them. Fairfax County, the cities of Falls Church and Fairfax, with a population of

285,194 and 400 square miles, has been allocated one additional senator, a floater senator with Arlington, and two additional delegates. I feel that this area should receive at least one additional delegate to those recommended by the Commission.

Arlington with a population of 163,401 has at present one senator and three delegates, making Arlington 63,000 over populated for one Senator and 43,000 over populated for three delegates.

[fol. 300] Arlington has been recommended for a floater senator. I feel that out of fairness to Arlington it should have an additional delegate. Subject to the recommendations I have suggested, I concur in the report.

### STATEMENT OF OMER L. HIRST

This nation and this Commonwealth have made no greater contributions to the progress of mankind than the notion that the people are both entitled to and qualified to govern themselves. The implementation of this notion is the institution of self-government in which the people are governed by their chosen representatives through a body of law that applies equally to all. Equal justice under law is the distinguishing feature of our system, and the equal protection of the law the right of every citizen. Under this system, this nation has grown great, and this Commonwealth has shared and contributed to that greatness.

The noble concept of the equal protection of the law, whose value is undeniable, is valid only to the extent that there is equal representative participation in the making of the law. Unless there is equal representation in the making of the law, there cannot for long be equal protection under the law, for then the laws are made in effect by *some* of the people for application to *all* of the people. It is then inevitable that such laws presently will come to reflect the point of view of the people represented untempered by the points of view of the total citizenry. The institution or representative government is devitalized and citizens denied their rights to the extent that there is departure from equal representation in the lawmaking body.

In the practical aspects of the matter it must be recognized that mathematically equal representation is very difficult, if not impossible to attain, but that any substantial departure from the goal of equal representation must be justified clearly by the mitigating circumstances of the particular case. For example, area, extent of and impediment to local communications, community of interest, population trends, whether increasing or decreasing, number of jurisdictions in the particular district, and contribution to the economic well-being of the whole Commonwealth should be considered, not as a substitute for the basic principle of equal representation, but rather as mitigating circumstances justifying some departure from it. The Commission's recommendations must be weighed accordingly.

In the case of the Commission's recommendation that the 10 Congressional Districts be left as they are, the disparities of population are so great in fact as to cause serious doubt as to the wisdom of taking no action, though the Commission was reassured by the advice of the Attorney General.

The Commission's recommendations as to the redistricting of the State Senate achieve a commendable degree of balance in maintaining the principle of equal representation on the one hand and in adjusting to practical circumstances on the other.

The Commission's recommendations for the redistricting of the House of Delegates contain inequalities of representation of such proportion as to exceed reasonable tolerances and to justify correction by the General Assembly. Ideally, each of the 100 Delegates should represent 39,669 persons. Against this ideal, it is recommended that one Delegate represent 24,549 persons and another 71,299 persons. Actually the extremes are slightly greater, for the 47,601 inhabitants of the two Eastern Shore Counties have 2 Delegates, or in effect, one Delegate per 23,800 persons. Nor are the inequalities entirely explainable in terms of area. For example, the City of Richmond with only 37 square miles has a Delegate for each 36,660 population, while in the District composed of the Cities of Fairfax and Falls Church, and the County of Fairfax, which in turn contains two incorporated towns and with a total area of



over 400 square miles, there is only one Delegate for each 71,299 persons. In another region of the Commonwealth, Washington County and the City of Bristol, with a total population of 55,220, are allocated two Delegates, and Scott County, which adjoins Washington County, is allocated a Delegate for its 25,813 population. It must be emphasized that the instances cited are the extremes, and the citation is not intended to reflect adversely on the body of the recommendation.

The studies prepared by the Bureau of Public Administration and the suggestions of certain Commission members showed various ways in which these inequalities and inconsistencies might be removed. The Commission's recommendations are on the whole commendable and reflect the amount of time and dedicated effort that preceded them. Nonetheless, both principle and prevailing circumstance justify the slight additional effort that will attain as nearly equal representation as is practicable. By reducing the extremes in both directions, which would involve only minor changes in the Commission's recommendations, the rights of our citizens will be maintained, the institution of self-government fully preserved, and the honor of Virginia, the greatest treasure of her people, raised to a new high.

I therefore concur in the recommendations as to the State Senate, and I dissent from the recommendations as to the House of Delegates. Judgment is reserved as to the redistricting of the Congressional Districts.

#### STATEMENT OF G. A. TREAKLE

I concur in the report but must object to the addition of the city of Suffolk and the county of Nansemond to the third Senatorial district.

[fol. 302]

*A BILL to amend and reenact § 24-12, as amended, of the Code of Virginia, relating to apportionment of members of House of Delegates.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-12, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-12. Members of the House of Delegates shall be distributed and apportioned, and each county, city and combination is entitled to representation in the House of Delegates by a delegate, or by delegates, as follows:

- First.—Accomack, one.
- Second.—Accomack and Northampton, one.
- Third.—Albemarle and Greene, one.
- Fourth.—Charlottesville, one.
- Fifth.—Alexandria, \* *two*.
- Sixth.—Alleghany, Covington, *Craig* and Clifton Forge, one.
- Seventh.—Amelia, \* *Dinwiddie* and Nottoway, one.
- Eighth.—Amherst and Lynchburg, one.
- Ninth.—Arlington, three.
- Tenth.—Augusta, Highland, Staunton and Waynesboro, two.
- Eleventh.—Bedford, one.
- Twelfth.—Bland and \* *Wythe*, one.
- Thirteenth.—Botetourt and \* *Roanoke County*, one.
- Fourteenth.—Brunswick and Lunenburg, one.
- Fifteenth.—Buchanan, one.
- \* *Sixteenth*.—Buckingham, \* *Nelson*, *Powhatan* and Cumberland, one.
- \* *Seventeenth*.—Campbell, one.
- \* *Eighteenth*.—Caroline, King George, Essex and King and Queen, one.
- \* *Nineteenth*.—Carroll, \* *Grayson* and *Galax*, one.
- \* *Twentieth*.—Charles City, James City, \* York and Williamsburg, one.
- \* *Twenty-first*.—Charlotte, *Appomattox* and Prince Edward, one.

• *Twenty-second*.—Chesterfield and Colonial Heights, • two.

• *Twenty-third*.—Clarke, Frederick and Winchester, one.

• *Twenty-fourth*.—Danville, one.

• *Twenty-fifth*.—Hampton, • two.

• *Twenty-sixth*.—Fairfax County, city of Fairfax and Falls Church, • four.

• *Twenty-seventh*.—Fauquier and Rappahannock, one.

• *Twenty-eighth*.—Fluvanna, Goochland and Louisa, one.

[fol. 303]

• *Twenty-ninth*.—Franklin and Floyd, one.

• *Thirtieth*.—Gloucester, Mathews and Middlesex, one.

• *Thirty-first*.—Greensville, Surry and Sussex, one.

• *Thirty-second*.—Halifax and South Boston, one.

• *Thirty-third*.—Hanover, • King William and New Kent, one.

• *Thirty-fourth*.—Henrico, • three.

• *Thirty-fifth*.—Henry, Patrick and Martinsville, two.

• *Thirty-sixth*.—Isle of Wight, Nansemond, Southampton and Suffolk, • two.

• *Thirty-seventh*.—Northumberland, Westmoreland, Lancaster and Richmond County, one.

• *Thirty-eighth*.—• Newport News, three.

• *Thirty-ninth*.—Lee, one.

• *Fortieth*.—Loudoun, one.

• *Forty-first*.—Lynchburg, one.

• *Forty-second*.—Madison, Culpeper and Orange, one.

• *Forty-third*.—Mecklenburg, one.

• *Forty-fourth*.—Montgomery and Radford, one.

- \* *Forty-fifth*.—Norfolk County and South Norfolk, two.
  - \* *Forty-sixth*.—Norfolk City, \* *seven*.
  - \* *Forty-seventh*.—Page and Warren, one.
  - \* *Forty-eighth*.—Petersburg, \* *one*.
  - \* *Forty-ninth*.—Pittsylvania, two.
  - \* *Fiftieth*.—Portsmouth, two.
  - \* *Fifty-first*.—Prince George \* and Hopewell, one.
  - \* *Fifty-second*.—Princess Anne and Virginia Beach, \*  
two.
  - \* *Fifty-third*.—Prince William, \* *one*.
  - \* *Fifty-fourth*.—Pulaski and Giles, one.
  - \* *Fifty-fifth*.—Richmond City, \* *six*.
  - \* *Fifty-sixth*.—Roanoke County, one.
  - \* *Fifty-seventh*.—Roanoke City, two.
  - \* *Fifty-eighth*.—Rockbridge, Bath and Buena Vista, one.
  - \* *Fifty-ninth*.—Rockingham and Harrisonburg, \* *one*.
  - \* *Sixtieth*.—Russell, one.
  - \* *Sixty-first*.—Scott, one.
  - \* *Sixty-second*.—Shenandoah, Rockingham and Harrison-  
burg, one.
  - \* *Sixty-third*.—Smyth, one.
- [fol. 304]
- \* *Sixty-fourth*.—Spotsylvania, Stafford and Fredericks-  
burg, one.
  - \* *Sixty-fifth*.—Tazewell, one.
  - \* *Sixty-sixth*.—Washington and Bristol, two.
  - \* *Sixty-seventh*.—Wise, Dickenson and Norton, two.

And the districts hereby created are hereby numbered  
one (1) to \* *sixty-seven (67)*, inclusive.



[fol. 305]

*A BILL to amend and reenact § 24-14, as amended, of the Code of Virginia, relating to State senatorial districts.*

Be it enacted by the General Assembly of Virginia:

1. That § 24-14, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-14. The State is hereby divided into thirty-five districts entitled to senators as follows:

First.—Accomack, Northampton, Princess Anne and Virginia Beach, one.

Second.—Norfolk City, \* three.

Third.—Norfolk County, \* South Norfolk, Nansemond and Suffolk, one.

Fourth.—Halifax, South Boston, Charlotte and Prince Edward, one.

Fifth.—\* Henrico, one.

Sixth.—\* Hopewell, Prince George, Surry, \* Sussex, Isle of Wight and Southampton, one.

Seventh.—Brunswick, Greenville, Lunenburg and Mecklenburg, one.

Eighth.—Dinwiddie, Nottoway and Petersburg, one.

Ninth.—Arlington, one.

Tenth.—Portsmouth, one.

Eleventh.—Appomattox, Buckingham, Cumberland, Powhatan, Amherst, Nelson and Amelia, one.

Twelfth.—Campbell and Lynchburg, one.

Thirteenth.—Danville, Henry, Martinsville, Patrick and Pittsylvania, two.

Fourteenth.—Carroll, Floyd, Montgomery, Radford, Grayson and Galax, one.

Fifteenth.—Bristol, \* Scott and Washington, one.

\* Seventeenth.—Buchanan, Russell and Tazewell, one.

\* Sixteenth.—Dickenson, Lee, Wise and Norton, one.

\* *Eighteenth.*—Bland, Giles, Pulaski, *Smyth* and Wythe, one.

\* *Nineteenth.*—Alleghany, Bedford, Botetourt, Buena Vista, Clifton Forge, Covington, Craig and Rockbridge, one.

\* *Twentieth.*—Franklin, \* and Roanoke County, one.

\* *Twenty-first.*—Augusta, Bath, Highland, Staunton and Waynesboro, one.

\* *Twenty-second.*—Harrisonburg, Page, Rappahannock, Rockingham and Warren, one.

\* *Twenty-third.*—Clarke, Frederick, Loudoun, Shenandoah and Winchester, one.

\* *Twenty-fourth.*—Albemarle, Charlottesville, Fluvanna, Greene and Madison, one.

[fol. 306]

\* *Twenty-fifth.*—Fredericksburg, Culpeper, Fauquier, Goochland, Louisa, Orange and Spotsylvania, one.

\* *Twenty-sixth.*—\* *Fairfax county, city of Fairfax, Falls Church and Arlington*, one.

\* *Twenty-seventh.*—Fairfax County, city of Fairfax and Falls Church, \* two.

\* *Twenty-eighth.*—King George, Lancaster, Northumberland, Prince William, Richmond County, Stafford and Westmoreland, one.

\* *Twenty-ninth.*—Caroline, Hanover, King William, Essex, King and Queen, \* *Gloucester, Mathews, Middlesex and New Kent*, one.

\* *Thirtieth.*—\* *Newport News*, \* one.

\* *Thirty-first.*—Hampton and \* *York*, one.

\* *Thirty-second.*—Charles City, Chesterfield, Colonial Heights, \* *James City and Williamsburg*, one.

\* *Thirty-third.*—Richmond City, \* two.

\* *Thirty-fourth.*—Roanoke City, one.

\* *Thirty-fifth.*—City of Alexandria, one.

PLAINTIFFS' EXHIBIT 12 (Cont.)





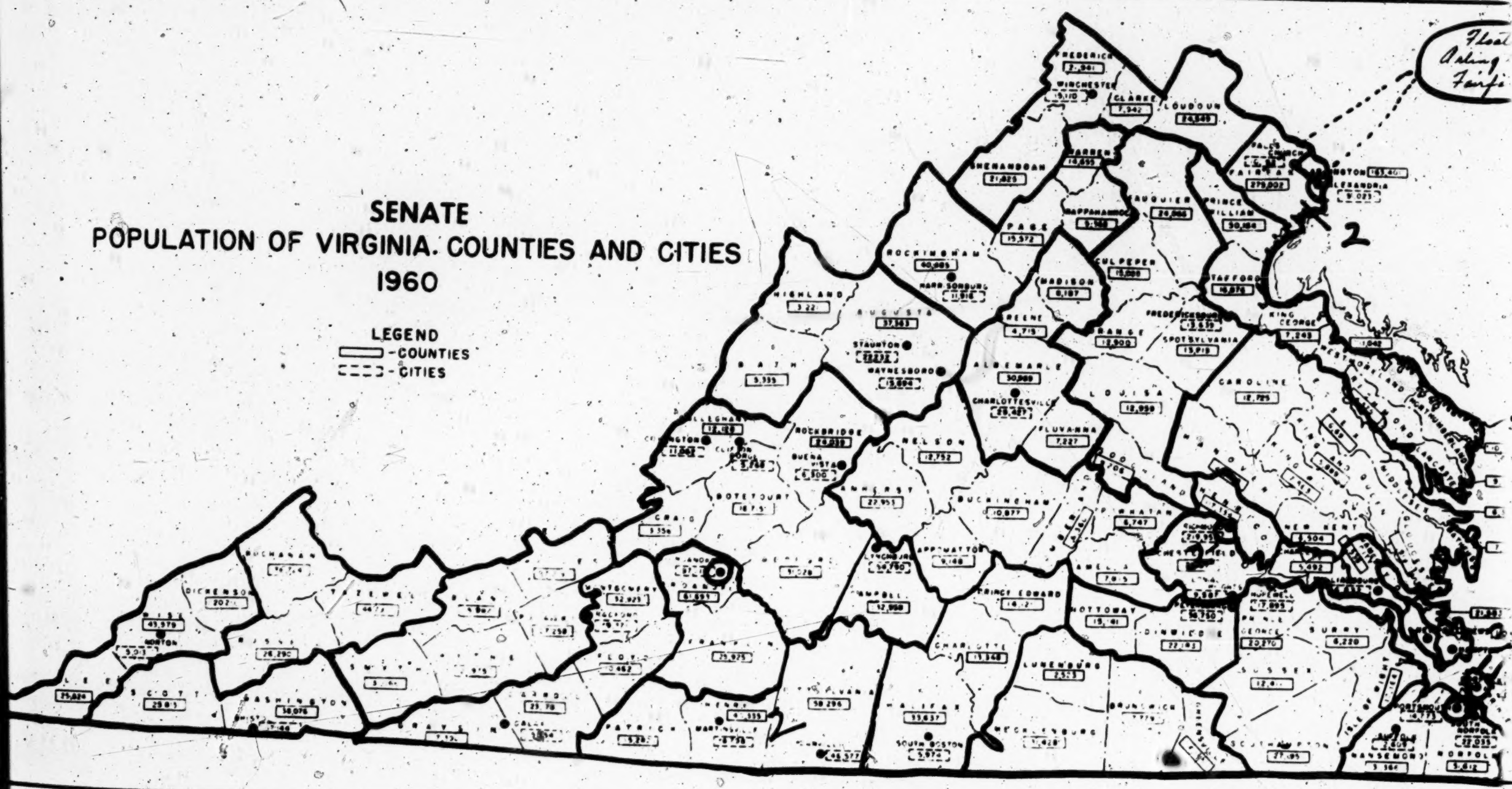


[fol. 308]

[fol. 308]

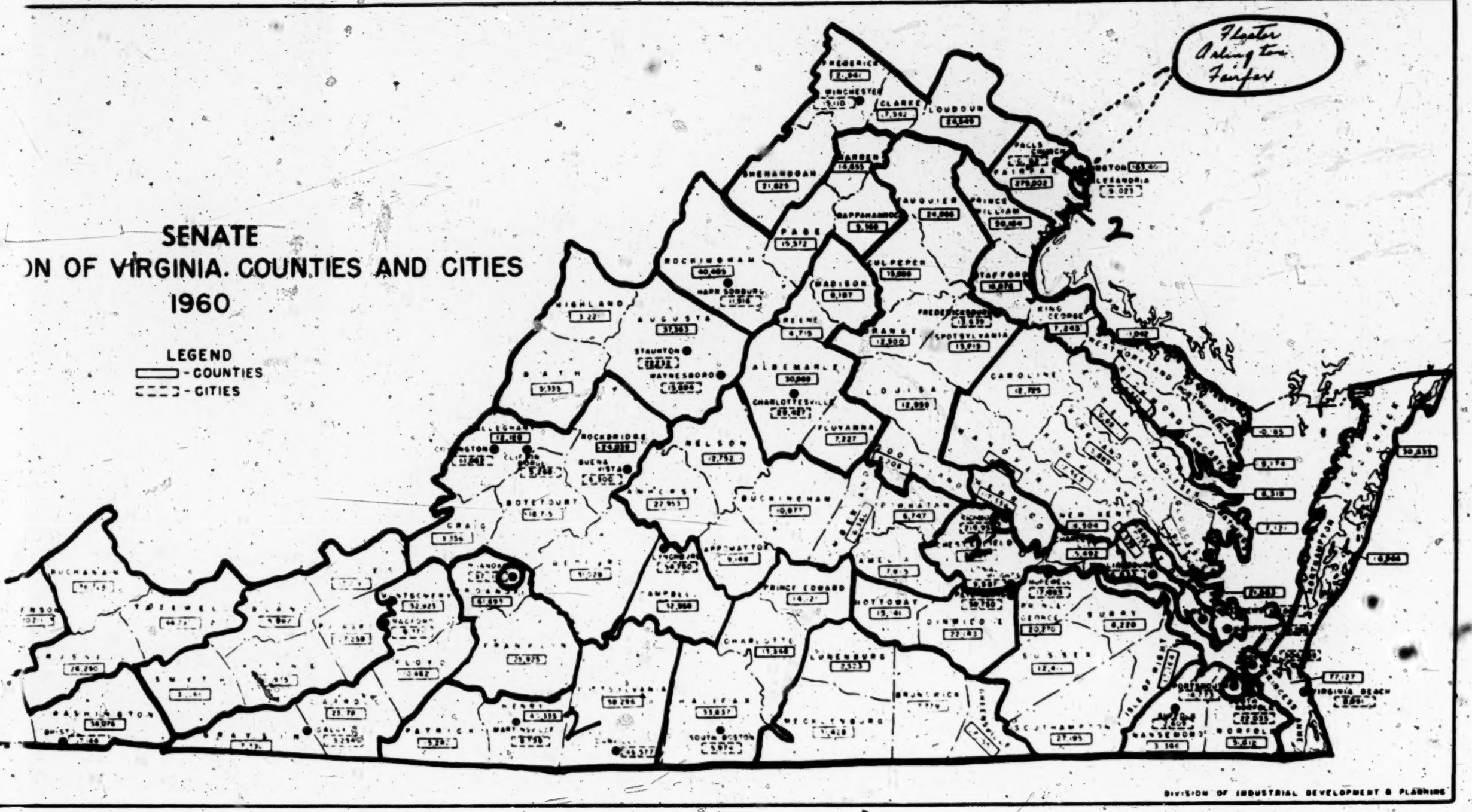
# SENATE POPULATION OF VIRGINIA. COUNTIES AND CITIES 1960

LEGEND  
—— COUNTIES  
--- CITIES



# SENATE ON OF VIRGINIA. COUNTIES AND CITIES 1960

LEGEND  
—— COUNTIES  
--- CITIES





[fol. 309]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## PLAINTIFFS' EXHIBIT 13

Index Values of the Right to Vote for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960,  
as Percentages of the State-Wide Average, Following Redistricting

State Virginia

County		1910			1930			1950			1960		
Name	1960 Pop. (Thousands)	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature
Accomack	31	195	79	87	112	6	99	163	89	126	212	75	144
Albemarle	31	113	118	116	100	9	97	106	114	110	111	123	117
Alleghany	12	84	105	95	90	11	101	115	78	97	139	90	115
Amelia	8	93	88	91	102	103	103	115	109	112	134	129	132
Amherst	23	109	144	127	127	171	149	145	109	127	162	129	146
Appomattox	9	232	107	170	112	134	123	117	109	113	150	129	140
Arlington	163	81	89	85	91	67	79	74	61	68	73	61	67
Augusta	37	96	107	102	97	11	104	94	108	101	101	118	110
Bath	5	57	105	81	64	11	88	95	108	102	111	118	115
Bedford	31	140	96	118	121	11	117	112	78	95	128	90	109
Bland	6	123	95	109	129	1	115	131	108	120	171	137	154
Botetourt	17	116	105	111	127	112	120	173	78	126	49	90	70
Brunswick	18	107	107	107	118	114	116	97	122	110	131	161	146
Buchanan	37	55	74	65	57	81	69	149	75	112	108	92	100
Buckingham	11	84	107	96	112	134	123	117	109	113	150	129	140
Campbell	33	89	98	94	106	95	101	115	108	112	120	113	117
Caroline	13	124	122	123	118	126	122	104	135	120	122	116	119
Carroll	23	98	89	94	109	144	127	87	140	114	118	114	116
Charles City	5	69	130	100	97	83	91	99	76	88	79	91	85
Charlotte	13	131	107	119	151	134	143	113	117	115	144	148	146

8/28/62 BHT

[fol. 310]

Index Values of the Right to Vote for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960,  
as Percentages of the State-Wide Average, Following Redistricting

State Virginia (cont'd)

County		1910			1930			1950			1960		
Name	1960 Pop. (Thousands)	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature
Chesterfield	71	172	141	157	75	83	79	104	76	90	49	91	70
Clarke	8	128	171	150	78	116	97	86	139	113	88	148	118
Craig	3	84	105	95	127	112	120	173	78	126	49	90	70
Culpeper	15	153	114	134	115	112	114	97	149	123	110	156	133
Cumberland	6	84	88	86	110	134	122	117	109	113	150	129	140
Dickenson	20	48	74	61	36	90	63	56	104	80	85	144	115
Dinwiddie	22	134	130	132	131	129	130	123	120	122	135	134	135
Essex	7	110	105	108	111	125	118	104	135	120	122	116	119
✓ Fairfax	261 275	100	89	95	96	67	81	63	78	71	42	70	56
Fauquier	24	139	118	127	115	112	114	121	149	135	135	156	146
Floyd	10	146	127	137	37	73	55	87	140	114	118	114	116
Fluvanna	7	117	107	112	157	94	126	115	114	115	135	123	129
Franklin	26	78	127	103	136	73	100	135	79	107	153	76	115
Frederick	22	111	130	121	78	116	97	86	139	113	88	148	118
Giles	17	123	95	109	129	101	115	131	108	120	171	137	154
Gloucester	12	165	105	135	128	125	127	137	96	117	156	116	136
Goochland	9	117	141	129	157	126	142	115	142	129	135	159	147
Grayson	17	104	89	97	121	144	133	155	140	148	175	114	145
Greene	5	121	118	120	100	94	97	106	114	110	111	123	117
Greensville	16	81	120	101	95	112	104	114	127	121	139	136	138



[fol. 311]

Index Values of the Right to Vote for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960,  
as Percentages of the State-Wide Average, Following Redistricting

State Virginia (cont'd)

County		1910			1930			1950			1960		
Name	1960 Pop. (Thousands)	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature
Halifax	34	103	129	116	117	147	132	80	117	99	100	148	124
Hanover	28	200	122	161	97	126	112	112	135	124	113	116	115
Henrico	117	88	130	109	80	83	82	90	76	83	94	85	90
Henry	40	112	58	85	87	95	91	104	100	102	107	111	109
Highland	3	57	107	82	64	111	88	94	108	101	101	118	110
Isle of Wight	17	138	76	107	161	83	132	63	105	84	65	112	89
James City	12	69	130	100	99	83	91	99	96	98	79	91	85
King and Queen	6	110	105	108	111	125	118	104	135	120	122	116	119
King George	7	143	118	131	118	149	134	104	109	107	122	89	106
King William	8	80	122	101	97	126	112	112	135	124	113	116	115
Lancaster	9	120	118	119	154	149	152	95	109	102	108	89	99
Lee	26	92	63	78	80	111	96	92	130	111	107	93	100
Loudoun	25	138	118	128	122	112	117	157	149	153	162	156	159
Louisa	13	124	127	126	169	118	144	115	142	129	135	159	147
Lunenburg	13	161	88	125	172	103	138	97	122	110	131	161	146
Madison	8	121	114	118	115	94	105	97	114	106	110	123	117
Mathews	7	116	105	111	128	125	127	137	96	117	156	116	136
Mecklenburg	31	71	107	89	74	114	94	99	122	111	126	161	144
Middlesex	6	116	105	111	111	125	118	137	135	136	156	116	136
Montgomery	33	96	68	82	94	73	84	86	79	83	94	76	85



[fol. 312]

**Index Values of the Right to Vote for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960,  
as Percentages of the State-Wide Average, Following Redistricting**

**State Virginia (cont'd)**

County		1910			1930			1950			1960		
Name	1960 Pop. (Thousands)	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature
Nansemond	31	77	76	77	74	83	79	151	105	128	156	112	134
Nelson	13	123	144	134	148	171	160	97	109	103	111	129	120
New Kent	5	69	130	100	99	83	91	99	96	98	79	91	85
Norfolk	52	78	60	69	128	72	100	60	75	68	108	135	122
Northampton	17	39	79	59	45	86	66	65	89	77	83	75	79
Northumberland	10	103	118	111	124	149	137	95	109	102	108	89	99
Nottoway	15	93	88	91	102	103	103	115	120	118	134	134	134
Orange	13	153	114	134	115	118	117	97	142	120	110	159	135
Page	16	93	171	132	104	89	97	111	101	106	131	113	122
Patrick	15	120	89	105	153	95	124	104	100	102	107	111	109
Pittsylvania	58	89	134	112	79	95	87	100	100	100	136	111	124
Powhatan	7	75	141	108	75	103	89	115	109	112	134	129	132
Prince Edward	14	145	88	117	110	103	107	113	117	115	144	148	146
Prince George	20	117	120	119	84	112	98	92	127	110	89	136	113
Prince William	50	171	89	130	110	67	89	96	109	103	79	89	84
Princess Anne	77	179	79	129	149	86	118	78	89	84	93	75	84
Pulaski	27	120	95	108	118	101	110	120	108	114	146	137	142
Rappahannock	5	93	114	104	115	89	102	121	101	111	135	113	124
Richmond	6	120	118	119	154	149	152	95	109	102	108	89	99
Roanoke	62	105	68	87	69	73	71	80	79	80	113	76	95

[fol. 313]

**Index Values of the Right to Vote for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960,  
as Percentages of the State-Wide Average, Following Redistricting**

State Virginia (cont'd)

County		1910			1930			1950			1960		
Name	1960 Pop. (Thousands)	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature
Rockbridge	24	141	96	119	161	112	137	95	78	87	111	90	101
Rockingham	40	118	148	133	131	89	110	145	101	123	151	113	132
Russell	26	88	74	81	150	81	116	124	75	100	85	92	89
Scott	26	87	63	75	100	111	106	120	130	125	98	93	96
Shenandoah	22	98	130	114	117	116	117	157	139	148	182	148	165
Smyth	31	101	87	94	96	89	93	110	99	109	128	114	121
Southampton	27	78	76	77	90	83	87	125	105	115	146	112	129
Spotsylvania	14	130	127	129	144	118	131	138	142	140	89	159	124
Stafford	17	143	127	135	110	118	114	96	109	103	89	89	89
Surry	6	117	120	119	84	112	98	92	127	110	89	136	113
Sussex	12	81	120	101	95	112	104	114	127	121	139	136	138
Tazewell	45	55	74	65	75	81	78	70	75	73	89	97	91
Warren	15	128	171	150	104	89	97	111	101	106	131	113	122
Washington	38	106	87	97	113	89	101	124	99	112	98	93	96
Westmoreland	11	103	118	111	124	149	137	95	109	102	108	89	99
Wise	44	48	63	56	83	90	87	118	104	111	107	144	126
Wythe	22	101	95	98	117	101	109	142	108	125	181	137	159
York	22	69	93	81	99	125	112	99	96	98	79	73	76

[fol. 314]

**Index Values of the Right to Vote for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960,  
as Percentages of the State-Wide Average, Following Redistricting**

State Virginia (cont'd)

County		1910			1930			1950			1960		
Name	1960 Pop. (Thousands)	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature
Alexandria	91	81	89	85	100	67	84	54	134	94	87	109	98
Bristol	17	106	87	97	113	89	101	121	99	112	98	93	96
Buena Vista	6	140	96	118	163	112	138	95	78	87	111	90	101
Charlottesville	29	113	118	116	100	94	97	128	114	121	135	123	129
Clifton Forge	5	84	105	95	90	112	101	115	78	97	139	90	115
Colonial Heights	10							104	76	90	49	91	70
Covington	11										139	90	115
Danville	47	89	133	111	104	95	102	95	100	98	85	111	98
Fairfax City	14										42	70	56
Falls Church	10							63	78	71	42	70	56
Franklin City	7										146	112	129
Fredericksburg	14	130	127	129	144	118	131	138	142	140	89	159	124
Galax	5										175	114	145
Hampton	89	97	93	95	92	87	90	54	80	67	44	111	78
Harrisonburg	12				131	89	110	145	101	123	151	113	132
Hopewell	18				84	112	98	92	127	110	89	136	113
Lynchburg	55	70	98	84	60	95	78	118	103	113	123	113	118
Martinsville	19				87	95	91	104	100	102	107	111	109
Newport News	114	102	93	98	127	87	107	121	88	105	105	73	89
Norfolk	305	61	76	69	75	93	84	93	78	86	78	65	72



[fol. 315]

**Index Values of the Right to Vote for Members of the Legislature  
by Counties, 1910, 1930, 1950, 1960,  
as Percentages of the State-Wide Average, Following Redistricting,**

State Virginia (cont'd)

County		1910			1930			1950			1960		
Name	1960 Pop. (Thousands)	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature	Lower House	Upper House	Legis- lature
Norton	5										107	144	126
Petersburg	37	85	130	108	85	129	107	123	120	122	135	134	135
Portsmouth	115	62	60	61	106	72	89	83	104	94	69	86	78
Radford	9	96	68	82	94	73	84	86	79	83	94	76	85
Richmond	220	81	81	81	79	99	89	101	108	105	94	90	92
Roanoke	97	59	68	64	70	73	72	72	90	81	82	102	92
South Boston	6										100	148	124
South Norfolk	22				128	72	100	60	75	68	108	135	122
Staunton	22	96	107	102	97	111	104	94	108	101	101	118	110
Suffolk	13				74	83	79	144	105	125	154	112	133
Virginia Beach	8										93	75	84
Waynesboro	16							94	108	101	101	118	110
Williamsburg	7	69	130	100	99	83	91	99	96	98	79	91	85
Winchester	15	111	130	121	78	116	97	86	139	113	88	148	118

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[fol. 316]

Average Values of the Right to Vote for Representation  
in the Virginia General Assembly Before and After the  
1962 Redistricting (Revision of Page 64 of Devaluation Study)

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

PLAINTIFFS' EXHIBIT 14

State Virginia8/28/62  
JH

Census Year	Units by Categories of Population Size			Prior to Reapportionment				
				Proportionate Share of Voting Strength of Legislature No. of Members		Average Values of the Vote for Representa- tion in		
	Category	No. of Units	Total Pop. in Census Year	Lower House	Upper House	Lower House	Upper House	Legis- lature
1960	Under 25,000	86	1,083,229	33.53	13.66	123	125	124
	25,000-99,999	36	1,573,213	41.95	16.95	106	107	107
	100,000-499,999	7	1,310,007	24.52	9.39	74	71	73
	500,000 and over	0	0	0	0	-	-	-
	Totals and Averages	129	3,966,949	100.00	40.00	100	100	100

Census Year	Units by Categories of Population Size			After Reapportionment				
				Proportionate Share of Voting Strength of Legislature: No. of Members		Average Values of the Vote for Representa- tion in		
	Category	No. of Units	Total Pop. in Census Year	Lower House	Upper House	Lower House	Upper House	Legis- lature
1960	Under 25,000	90	1,130,483	33.70	13.83	118	121	120
	25,000-99,999	35	1,540,044	40.55	16.49	104	106	105
	100,000-499,999	7	1,296,422	25.75	9.68	79	74	77
	500,000 and over	0	0	0	0	-	-	-
	Totals and Averages	132	3,966,949	100.00	40.00	100	100	100

[fol. 317]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## PLAINTIFFS' EXHIBIT 15

8/28/62 GH\*\*

Ratio Largest to Smallest  
Population Per Delegate  
Virginia General Assembly

1964*	Smallest population/representative	= 21,825
	Largest population/representative	= 95,064
	Ratio largest to smallest	= 4.36
1955	Smallest population/representative	= 14,057
	Largest population/representative	= 82,233
	Ratio largest to smallest	= 5.85
1935	Smallest population/representative	= 13,409
	Largest population/representative	= 40,661
	Ratio largest to smallest	= 3.03
1915	Smallest population/representative	= 8,904
	Largest population/representative	= 43,361
	Ratio largest to smallest	= 4.87

\* Acts, 1962, p. 1269.

\*\* Pencil notation.

[fol. 318]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## PLAINTIFFS' EXHIBIT 16

8/28/62 GH\*\*

Ratio Largest to Smallest  
Population Per Delegate  
Virginia General Assembly

1964*	Smallest population/representative	= 61,730
	Largest population/representative	= 163,401
	Ratio largest to smallest	= 2.65

\*\* Pencil notation.

198

1955 Smallest population/representative = 55,637  
Largest population/representative = 185,449  
Ratio largest to smallest = 2.43

1935 Smallest population/representative = 35,365  
Largest population/representative = 89,979  
Ratio largest to smallest = 2.54

1915 Smallest population/representative = 30,204  
Largest population/representative = 85,934  
Ratio largest to smallest = 2.85

• Acts, 1962, p. 1266.

[fol. 319]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

PLAINTIFFS' EXHIBIT 17

UNITED STATES CENSUS OF  
POPULATION

1960

8/28/62 GH'

United States Summary

NUMBER OF INHABITANTS

U.S. DEPARTMENT OF COMMERCE  
BUREAU OF THE CENSUS

[fol. 320]

Number of Inhabitants

Table 24.—POPULATION OF COUNTIES IN THE UNITED STATES  
AND THE COMMONWEALTH OF PUERTO RICO

1960 AND 1950

[State economic area in which county is located is shown in parenthesis following county name. Asterisk (\*) denotes county with boundary change between 1950 and 1960 Cen-

• Penciled notation.

uses; for boundary changes, see table 7 of the corresponding reports for appropriate State. Minus (-) denotes decrease.

Percent not shown where less than 0.1]

State and county	1960	1950	Percent increase, 1950 to 1960
VIRGINIA			
Total .....	3,966,949	*3,318,680	19.5
Accomack (9) .....	30,635	33,832	-9.4
Albemarle (5) .....	30,969	26,662	16.2
Alleghany (3) .....	12,128	*23,139	-47.6
Amelia (6) .....	7,815	7,908	-1.2
Amherst (F) .....	22,953	20,332	12.9
Appomattox (6) .....	9,148	8,764	4.4
Arlington (B) .....	163,401	135,449	20.6
Augusta (4) .....	37,363	34,154	9.4
Bath (3) .....	5,335	6,296	-15.3
Bedford (6) .....	31,028	29,627	4.7
Bland (2) .....	5,982	6,436	-7.1
[fol. 321]			
Botetourt (3) .....	16,715	15,766	6.0
Brunswick (7) .....	17,779	20,136	-11.7
Buchanan (1) .....	36,724	35,748	2.7
Buckingham (6) .....	10,877	12,288	-11.5
Campbell (F) .....	32,958	28,877	14.1
Caroline (8) .....	12,725	12,471	2.0
Carroll (2) .....	23,178	*26,695	-13.2
Charles City (8) .....	5,492	4,676	17.5
Charlotte (7) .....	13,368	14,057	-4.9
Chesterfield (C) .....	71,197	40,400	76.2
Clarke (4) .....	7,942	7,074	12.3
Craig (3) .....	3,356	3,452	-2.8
Culpeper (5) .....	15,088	13,242	13.9
Cumberland (6) .....	6,360	7,252	-12.3
Dickenson (1) .....	20,211	23,393	-13.6
Dinwiddie (6) .....	22,183	18,839	17.8
Essex (8) .....	6,690	6,530	2.5
Fairfax (B) .....	275,002	98,557	179.0
Fauquier (5) .....	24,066	21,248	13.3
Floyd (3) .....	10,462	11,351	-7.8

See footnotes at end of table, p. 202.



State and county	1960	1950	Percent increase, 1950 to 1960
Fluvanna (6) .....	7,227	7,121	1.5
Franklin (7) .....	25,925	24,560	5.6
Frederick (4) .....	21,941	17,537	25.1
Giles (3) .....	17,219	18,956	-9.2
Gloucester (8) .....	11,919	10,343	15.2
Goochland (6) .....	9,206	8,934	3.0
Grayson (2) .....	17,390	*21,379	-18.7
Greene (5) .....	4,715	4,745	-0.6
Greensville (10) .....	16,155	16,319	-1.0
Halifax (7) .....	33,637	*41,442	-18.8
Hanover (8) .....	27,550	21,985	25.3
Henrico (C) .....	117,339	57,340	104.6
Henry (7) .....	40,335	31,219	29.2
Highland (3) .....	3,221	4,069	-20.8
Isle of Wight (10) ....	17,164	14,906	15.1
James City (8) .....	11,539	6,317	82.1
King and Queen (8) ....	5,889	6,299	-6.5
King George (8) .....	7,243	6,710	7.9
King William (8) .....	7,563	7,589	-0.3
Lancaster (8) .....	9,174	8,640	6.2
Lee (1) .....	25,824	36,106	-28.5
Loudoun (5) .....	24,549	21,147	16.1
Louisa (6) .....	12,959	12,826	1.0
Lunenburg (7) .....	12,523	14,116	-11.3
Madison (5) .....	8,187	8,273	-1.0
Mathews (8) .....	7,121	7,148	-0.4
Mecklenburg (7) .....	31,428	33,497	-6.2
Middlesex (8) .....	6,319	6,715	-5.9
Montgomery (3) .....	32,923	29,780	10.6
Nansemond (10) .....	31,366	25,238	24.3
Nelson (6) .....	12,752	14,042	-9.2
New Kent (8) .....	4,504	3,995	12.7
Norfolk (D) .....	51,612	99,937	-48.4
Northampton (9) .....	16,966	17,300	-1.9
Northumberland (8) ....	10,185	10,012	1.7
Nottoway (6) .....	15,141	15,479	-2.2
Orange (5) .....	12,900	12,755	1.1
Page (4) .....	15,572	15,152	2.8
Patrick (7) .....	15,282	15,642	-2.3
Pittsylvania (7) .....	58,296	66,096	-11.8
Powhatan (6) .....	6,747	5,556	21.4

State and county	1960	1950	Percent increase, 1950 to 1960
Prince Edward (6) .....	14,121	15,398	-8.3
Prince George (10) .....	20,270	19,679	3.0
Prince William (5) .....	50,164	22,612	121.8
Princess Anne (D) .....	76,124	42,277	80.1
Pulaski (3) .....	27,258	27,758	-1.8
Rappahannock (5) .....	5,368	6,112	-12.2
Richmond (8) .....	6,375	6,189	3.0
Roanoke (A) .....	61,693	41,486	48.7
Rockbridge (3) .....	24,039	23,359	2.9
Rockingham (4) .....	40,485	35,079	15.4
Russell (2) .....	26,290	26,818	-2.0
Scott (2) .....	25,813	27,640	-6.6
Shenandoah (4) .....	21,825	21,169	3.1
Smyth (2) .....	31,066	30,187	2.9
Southampton (10) .....	27,195	26,522	2.5
Spotsylvania (5) .....	13,819	11,920	15.9
Stafford (5) .....	16,876	11,902	41.8
Surry (10) .....	6,220	6,220	....
Sussex (10) .....	12,411	12,785	-2.9
Tazewell (1) .....	44,791	47,512	-5.7
Warren (4) .....	14,655	14,801	-1.0
Washington (2) .....	38,076	37,536	1.4
Westmoreland (8) .....	11,042	10,148	8.8
Wise (1) .....	43,579	56,336	-22.6
Wythe (2) .....	21,975	23,327	-5.8
York (E) .....	21,583	11,750	83.7

#### Independent Cities

Alexandria (B) .....	91,023	61,787	47.3
Bristol (2) .....	17,144	15,954	7.5
Buena Vista (3) .....	6,300	5,214	20.8
Charlottesville (5) .....	29,427	25,969	13.3
Clifton Forge (3) .....	5,268	5,795	-9.1
Colonial Heights (6) ..	9,587	6,077	57.8
Covington (3) .....	11,062	5,860	88.8
Danville (7) .....	46,577	35,066	32.8
Falls Church (B) .....	10,192	7,535	35.3
Fredericksburg (5) .....	13,639	12,158	12.2
Galax (2)* .....	5,254	5,248	0.1

State and county	1960	1950	Percent increase, 1950 to 1960
Hampton (E) .....	89,258	5,966	1,396.1
Harrisonburg (4) .....	11,916	10,810	10.2
Hopewell (10) .....	17,895	10,219	75.1
Lynchburg (F) .....	54,790	47,727	14.8
Martinsville (7) .....	18,798	17,251	9.0
Newport News (E) ....	113,662	42,358	168.3
Norfolk (D) .....	305,872	213,513	43.3
Norton (1)* .....	4,996	4,315	15.8
Petersburg (6) .....	36,750	35,054	4.8
Portsmouth (D) .....	114,773	80,039	43.4
Radford (3) .....	9,371	9,026	3.8
Richmond (C) .....	219,958	230,310	-4.5
Roanoke (A) .....	97,110	91,921	5.6
South Boston (7) .....	5,974	6,057	-1.4
South Norfolk (D) ....	22,035	10,434	111.2
Staunton (4) .....	22,232	19,927	11.6
Suffolk (10) .....	12,609	12,339	2.2
Virginia Beach (D) ....	8,091	5,390	50.1
Waynesboro (4) .....	15,694	12,357	27.0
Williamsburg (8) .....	6,832	6,735	1.4
Winchester (4) .....	15,110	13,841	9.2

† The revised population total for Princess Anne County is 77,127; for Norfolk city, 304,869; and for Norton city, 5,013. These errors were discovered too late for correction in the detailed distributions.  
[fol. 322]

\* Divisions are designated as parishes.

<sup>5</sup> Includes population (55,028) of Elizabeth City County which was consolidated with Hampton city in 1952, and of Warwick County (39,875) which was incorporated as a city in 1952 and consolidated with Newport News city in 1958.

<sup>7</sup> Includes population (5,860) of Covington town which became independent of the county in 1952.

<sup>8</sup> Galax town, located in Carroll and Grayson Counties, became an independent city in 1953. Figure for Carroll County includes population (2,603) of that part of town in the county and for Grayson County population (2,645) of that part in the county.

<sup>9</sup> Includes population (6,057) of South Boston town which became independent of the county in 1960.

<sup>10</sup> Includes population (5,390) of Virginia Beach town which became independent of the county in 1952.

<sup>11</sup> Includes population (4,315) of Norton town which became independent of the county in 1954.

[fol. 323]

**PLAINTIFF'S EXHIBIT 18**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**PLAINTIFFS' EXHIBIT 18**

**Civil Action No. 2604**

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**HARRISON MANN, et al., Plaintiffs,**

**vs.**

**LEVIN NOCK DAVIS, et al., Defendants.**

---

**Charlottesville, Virginia  
August 28, 1962**

**Deposition of Ralph Eisenberg**

[fol. 324]

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[fol. 326]

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION  
Civil Action No. 2604

HARRISON MANN, et al., Plaintiffs,

vs.

LEVIN NOCK DAVIS, et al., Defendants.

Charlottesville, Virginia  
August 28, 1962

The deposition of RALPH EISENBERG, taken pursuant to notice at 2:00 o'clock, p.m., in the Conference Room, Minor Hall, University of Virginia, before Gilbert Halasz, Notary Public in and for the State of Virginia At-Large, to be read in evidence on behalf of the plaintiffs.

Appearances:

Edmund D. Campbell, Esquire, For the Plaintiffs  
Henry E. Howell, Esquire, For Intervening Petitioners  
Honorable Robert Y. Button, Attorney General  
David J. Mays, Esquire, For Certain Defendants.

[fol. 327] Whereupon, RALPH EISENBERG being first duly sworn by the Notary Public, was examined and testified on his oath as follows:

Direct examination.

By Mr. Campbell:

Q. Will you state your name, sir?

A. Ralph Eisenberg.

Q. Your residence, sir?

A. Charlottesville, Virginia.

Q. Your occupation?

A. Assistant Professor of Political Science.

Q. Do you hold a Ph.D. degree?

A. Yes, I do.

Q. Doctor, are you testifying as a result of subpoena which was served upon you in this case?

A. Yes, I am.

Q. How long have you been at the University of Virginia, sir?

A. I have been here since August 1, 1960.

Q. Where did you obtain your education in political science?

A. I received Bachelor's and Master's degrees from the University of Illinois and Master's and Doctoral degrees from Princeton University.

Q. How old are you?

[fol. 328] A. Thirty two.

Q. Are you connected in any way with the Bureau of Public Administration of the University of Virginia?

A. Yes, I am. I hold joint appointment as—I think that's right—as Research Associate in the Bureau of Public Administration and Assistant Professor of Political Science in the Department of Political Science at the University.

Q. Will you state briefly what the Bureau of Public Administration does, sir?

A. The Bureau of Public Administration is an agency of the University which is concerned with research into state and local government administration and it performs functions of research initiated by staff members and performing research in response to requests by local governments or by state agencies. It also participates in training programs of various kinds with state and local officials.

Q. Did the Bureau of Public Administration, while you were connected with it, receive a request to serve in a research capacity with the Commission appointed by the Governor of Virginia to make a report and recommendation on redistricting the State, the General Assembly of Virginia?

A. Yes, it is my understanding.

Q. Is that the Commission which was headed by Mr. [fol. 329] Lawrence Hoover, Chairman?

A. Yes, it was.

Q. And did the Bureau of Public administration accept that request or appointment?

A. Yes, we did.

Q. Did you work on behalf of the Bureau in serving the Hoover Commission?

A. Yes, I did.

Q. What other members, what other representatives, of the Bureau of Public Administration acted with you?

A. Well, Weldon Cooper, the Director of the Bureau, was also a member of the Commission on Redistricting; and as Director of the Bureau, I participated in research activities which the Bureau conducted for the Commission. We also had student assistants who performed a lot of the statistical work under my direction.

Q. Were you in charge of the work for the Bureau of Public Administration at this particular work?

A. Well, under the overall direction of Mr. Cooper, yes.

Q. Have you, Mr. Eisenberg, made a study of problems of legislative apportionment and reapportionment or legislative districting and redistricting throughout the United States?

[fol. 330] A. Yes, I have, in conjunction with Mr. Paul T. David of the Department of Political Science of the University.

Q. Over what period of time have you made that study?

A. Since the fall of 1960. We are still involved in these studies.

Q. Have you, in connection with your work, issued certain publications or monographs?

A. Yes, we have.

Q. Can you list some of them?

A. Yes. I think the first one to appear was an article in the University of Virginia Newsletter of April 15, 1961 which considered the question of the adequacy of Virginia apportionment on the basis of the 1960 census.

Q. I show you a copy of that, or what appears to be a copy of that, document and ask you if that is the paper to which you refer?



A. Yes, it appears to be.

Mr. Campbell: I would like to offer this document as Plaintiff's Exhibit 1.

(The document referred to was marked Plaintiff's Exhibit No. 1 for Identification.)

By Mr. Campbell:

Q. What other documents, monographs or reports have [fol. 331] you made on the subject?

A. There was a monograph entitled, "Devaluation of the Urban and Suburban Vote" by Mr. David and myself, published in late December, 1961.

Q. Any others, sir?

A. There is a second volume to this Devaluation study which is to be published shortly, probably in early September.

Q. Any others?

A. Well, there is an article to be published in the National Civic Review, in September, I believe, and there is a paper which Mr. David and I are completing that will be delivered next week at a meeting of the American Political Science Association.

Q. The article to which you referred which will be published in the National Civic Review, is that what you said?

A. Yes.

Q. Was that written by you, sir?

A. Yes, it was.

Q. Was the Bureau of Public Administration requested by the Hoover Commission to engage in research on the possible methods of redistricting the General Assembly following the 1960 census?

A. I think their charge to us was to undertake research activities for them and to develop a research plan that [fol. 332] they would consider. We developed this research plan which they subsequently approved.

Q. The research plan, did that offer suggestions as to what you would do for the Commission?

A. Yes, it did. It listed a number of research activities that we were suggesting to the Commission.

Q. Was there included in those activities the preparation of suggested plans for redistricting the State?

A. Yes, there was.

Q. Did the Commission in connection with any plans which you might prepare for redistricting the State give you any guidelines?

A. They generally provided us with guidelines that we had suggested in our proposed research plan.

Q. I am referring, for example, to the question of whether or not a county might be divided in redistricting, that sort of guideline.

A. Yes.

Q. Will you state what guidelines were given to the Bureau on that subject by the Commission?

A. We were instructed to use counties and cities as the basic units for representation. We were instructed to continue to not divide any counties and cities in constructing legislative districts.

[fol. 333] We were instructed to emphasize single-member districts as opposed to multi-member districts where possible. We were instructed to redistrict without using floater districts although they could be employed where it was necessary.

We were instructed to proceed with the assumption of constructing districts that least disturbed already existing districts.

We were also instructed to use population as the primary criterion in constructing districts, although economic and cultural interests and compactness were to be employed as additional considerations.

Q. Were you also instructed that districts must be contiguous, or was that assumed?

A. I would say that was assumed.

Q. Now, did you attempt to carry out that mandate of those instructions of the Hoover Commission in the preparation of alternate plans for their consideration?

A. Yes, we did.

Q. I show you a document which is entitled, "Report No. 3 to Commission on Redistricting, General Analysis of Problems of Reapportionment and Redistricting, July 10,

1961," and ask you if that was one of the documents prepared by the Bureau for the Hoover Commission?  
[fol. 334] A. Yes, it was.

Q. Were you the author of that document, Doctor Eisenberg?

A. Yes, I was. Mr. Cooper may have made some style changes; I don't recall.

Mr. Campbell: I offer this document as Plaintiff's Exhibit 2.

(The document referred to was marked Plaintiff's Exhibit No. 2 for Identification.)

By Mr. Campbell:

Q. Did this report express your views or the Bureau of Public Administration on the subject matter contained therein?

A. Yes, they expressed my views. I suppose by implication the views of the Bureau.

Q. I would like to call your attention specifically to page 13 of this report, Plaintiff's Exhibit No. 2, and read to you one paragraph in that report as follows:

"Effective redistricting in Virginia would include the following guidelines: Districts must be contiguous. This requirement is absolute since contiguity either exists or it does not. An effort should be made to obtain compact districts. This will not be easy because of the large number of counties and cities, the peculiar shape of adjacent governmental units, and the attempt to obtain districts of nearly equal population size. Geographical and economic interests should be taken into consideration as much as possible. The districts created should be as nearly equal in population as practicable, measured by the population per representative for each District. It is recommended that the deviation from the ideal size be as little as possible, with most deviations within 15 percent of ideal size and exceptions in the most difficult situations within 25 percent. It is indeed difficult, if not impossible, to justify deviations beyond 25 percent."

Mr. Eisenberg, in preparing your plans which were submitted to the Hoover Commission, did you attempt insofar as practicable to follow those criteria?

A. Yes, we did.

Q. Did you prepare a document which I hand to you date July 17, 1961, entitled, "House of Delegates, Alternative Districting Plans," on the first page, and on the second page under the same date, "House of Delegates, Plan A."

A. Yes, I did.

Q. Was that document submitted to the Hoover Commission?

A. Yes, it was, on July 17.

Mr. Campbell: We offer that in evidence as Plaintiff's Exhibit No. 3.

[fol. 336] (The document referred to was marked Plaintiff's Exhibit No. 3 for Identification.)

By Mr. Campbell:

Q. Were you able, in the preparation of Plan A, to keep the deviations generally speaking within 15 percent of population?

A. I don't think we succeeded entirely in keeping all deviation within 15 percent.

Q. I call your attention to page 2 of that document. The last sentence on that page reads: Extremes of over and under representation in Plan A are 1.17 and .83.

Is that accurate?

A. That's right; it is.

Q. In other words, the maximum deviation in that plan would be 17 percent, roughly speaking?

A. I'd say roughly speaking, according to the use of these index figures.

Q. Now, sir, in preparing this plan for the Hoover Commission, you used certain population figures, did you not, for the State?

A. Yes, we did.

Q. Population figures for cities and counties?

A. That's right.



[fol.337] Q. What population figures did you use, sir?

A. We used those that appeared in the preliminary census reports for Virginia.

Q. Published by the United States—

A. Published by the Bureau of the Census.

Q. Bureau of the Census of the United States Department of Commerce?

A. That's right.

Q. Do you have a copy of that document?

A. Yes, but not with me.

Q. Do you know under what date that document is issued?

A. No, I don't; not offhand.

Q. Would you have it in your office?

A. It is in an office here if you would like me to get it.

Q. Dr. Eisenberg, will you see if you can locate that document?

A. Yes, sir.

It was issued under date of November 30, 1960. You might want to give the title.

Q. You have handed me, at my request, Mr. Eisenberg, a document entitled, "1960 Census of Population, Advance Reports, Final Population Counts, November 1960," bearing the letters PC (A-1)—48, Virginia. And at the bottom of the first page, "United States Department of Commerce. [fol. 338] Frederick Mueller, Secretary."

Is this the document which contains the population figures which were used by the Bureau in making its various computations for the Hoover Commission?

A. Yes, it was.

Q. Is that the document that was used in making the statistical analyses which the Bureau made on that subject or which you made on that subject?

A. Yes, this is the basis for the statistics that we prepared for the Hoover Commission.

Mr. Campbell: I would like to offer this document in evidence as Plaintiff's Exhibit No. 4 and request permission to substitute for this document one which I will procure from the Bureau of Census so that I do not take it away from Dr. Eisenberg.

Mr. Mays: Can't we have the reporter identify it?

Mr. Campbell: Mark this one, yes.

May I ask counsel if, subject to the right to check on the identification, we may substitute another printed copy for this document.

Mr. Mays: And may we have one?

Mr. Campbell: Yes, sir; I will send you one. I would like to give this one back to Dr. Eisenberg.

Mr. Mays: Yes, of course.

[fol. 339] (The document referred to was marked Plaintiff's Exhibit No. 4 for Identification.)

By Mr. Campbell:

Q. In the preparation of Plan A, which has been identified as Plaintiff's Exhibit 3, did the Bureau of Public Administration give particular consideration to the location of existing districts?

Mr. Mays: Location of what?

Mr. Campbell: Existing districts, then-existing districts in the State.

The Witness: The objective of Plan A for both the House and the Senate was to conceive a districting arrangement which most nearly approximated an ideal scheme.

By Mr. Campbell:

Q. Would you say an ideal scheme under the criteria which were referred to on page 13 of your Report No. 3?

A. Well, yes, certainly under those criteria and even beyond that. In other words, a districting arrangement which would have the least amount of deviation from the ideal size of districts throughout the State. Therefore, in comparison with the rest of the plans, it was concerned least with preserving existing districts.

Q. Was it equally concerned, was it concerned equally [fol. 340] with the other plans submitted by the Bureau in the factors of contiguity, geographical and economic interests, and the other criteria which were mentioned on page 13 of your report?

A. It was within the overall criteria, criterion of the greatest equality of population size per district. In other

words, population equality per district was the primary criterion. These others were operative within that context.

Q. You also prepared a Plan B for the House of Delegates?

A. Yes, sir.

Q. I show you a document and ask you if this is Plan B which was prepared?

A. Yes, it is.

Mr. Campbell: I offer that as Plaintiff's Exhibit No. 5.

(The document referred to was marked Plaintiff's Exhibit No. 5 for Identification.)

By Mr. Campbell:

Q. Will you state the difference in objectives in Plan A and in Plan B?

A. Plan B was conceived as a plan which permitted a greater deviation from ideal district size than Plan A.

Q. You say, "ideal district size". You mean ideal district [fol. 341] population size?

A. That's right. The greater deviation from what the state-wide average population per district should be if the State's population were divided by one hundred.

Q. You say, one hundred. Why one hundred?

A. Because of one hundred delegate seats. I suppose we had attempted to make an intermediate plan between the best plan for the House and a plan which deviated no more than 25 percent.

Q. Were those plans A-1 plans, A-2?

A. No, it was A and B.

Q. A and B?

A. Et cetera. There was no "C", it turned out, possible for the House because Plan B deviated past the extreme percent set for ourselves of 25 percent.

Q. In Plan B, did most of the deviations come within that 25 percent range?

A. I think so.

Q. Now, in Plan B, did you attempt to preserve, insofar as practicable, the existing districts?

A. Yes, we did, within that deviation limitation.

Q. Deviation formula?

A. That's right.

Q. What was the maximum deviation in Plan B?

[fol. 342] A. According to our indexes, it was 1.35 and .61 from an idea of 1.00.

Q. Now, from the point of view of, if we leave out of consideration the question of preserving existing districts, was there much difference in Plan A and B insofar as the criteria of contiguity, geographical and economic interests and compactness were concerned?

A. The only ones that differ in the application of those criteria would be those necessary as a result of using a greater allowable population deviation.

Q. But—

A. In other words, what we were trying to do was within the population deviations that we would tolerate, economic and geographic considerations were considered equally.

Q. I now hand you another document dated August 7, 1961, entitled "House Plan B, Summary of Changes to Existing House Districts." Did the Bureau of Public Administration prepare that document for the Hoover Commission?

A. Yes, we did.

(The document referred to was marked Plaintiff's Exhibit No. 6 for Identification.)

Mr. Campbell: I offer that as Plaintiff's Exhibit No. 6.

[fol. 343] By Mr. Campbell:

Q. Does this document accurately state what it purports to state? That is a summary of changes to existing House Districts proposed in Plan B itself?

A. Yes, it does, as far as I know.

Q. Did you similarly prepare for the State Senate proposed alternate districting plans?

A. Yes, we did.

Q. I show you a document dated July 17, 1961 entitled, "State Senate, Alternate Districting Plans," and on the second page thereof, Plan A, and ask you if this document



was prepared by the Bureau of Public Administration for the Hoover Commission?

A. Yes, it was.

(The document referred to was marked Plaintiff's Exhibit No. 7 for Identification.)

Mr. Campbell: I offer that as Plaintiff's Exhibit No. 7.

By Mr. Campbell:

Q. Did the Bureau of Public Administration prepare an alternate Plan B for the Senate?

A. Yes, we did.

Q. Do you have that document with you?

A. Yes, I do.

[fol. 344] (The document referred to was marked Plaintiff's Exhibit No. 8 for Identification.)

Mr. Campbell: I would like to offer this as Plaintiff's Exhibit No. 8.

By Mr. Campbell:

Q. I now show you a document which, under date of August 7, 1960, is entitled, "Senate Plan B, Summary of Changes to Existing Senate Districts." Did you prepare that or did the Bureau prepare that?

A. Under date of August 7, 1961?

Q. Yes.

A. We did.

Q. Was that submitted to the Commission?

A. Yes, it was, in response to their request.

(The document referred to was marked Plaintiff's Exhibit No. 9 for Identification.)

Mr. Campbell: Offer that as Plaintiff's Exhibit 9.

By Mr. Campbell:

Q. Now, in the preparation of these documents which have just been offered in evidence for the Senate respecting Plans A and Plan B, and the summary of changes, did the

Bureau attempt to follow with respect to the Senate the [fol. 345] same general criteria that it followed with respect to the House of Delegates in respect to the preparation of Plans A and Plan B?

A. Yes, we did. There is a Senate Plan C.

Q. You have just referred to a Senate Plan C. Did the Bureau prepare an alternate Senate Plan C?

A. Yes, we did.

Q. I present a copy of a document dated July 17, 1961 to you and ask you whether that document is the Senate Plan C which you prepared?

A. Yes, it is.

(The document referred to was marked Plaintiff's Exhibit No. 10 for Identification.)

Mr. Campbell: I offer that as Plaintiff's Exhibit No. 10.

By Mr. Campbell:

Q. Did you also prepare and submit under date of August 7 a Summary of Changes to Existing Senate Districts which would be involved in Plan C?

A. Yes, we did. That is the document.

(The document referred to was marked Plaintiff's Exhibit No. 11 for Identification.)

Mr. Campbell: Offer that as Plaintiff's Exhibit 11.

[fol. 346]

By Mr. Campbell:

Q. What were the criteria used by the Bureau of Public Administration in the preparation of Senate Plan C?

A. Senate Plan C was conceived to be the districting plan for the Senate which involved the greatest tolerance for deviation from ideal district size. The general limit we tried to operate with was that of no greater deviation than 5 percent. Therefore, it is the plan which deviates most generally from ideal district size of the three Senate plans.

Q. Now, is it a correct statement to say that within the framework of the population deviation to which you have referred, that the Bureau of Public Administration at-

tempted, in the preparation of all of the plans which they have presented, to apply the other criteria which are mentioned in your Report No. 3?

A. Yes, within the broader population limits.

Q. Within the population limits.

Are you familiar with the report of the Hoover Commission on Redistricting which was actually filed?

A. Yes, sir.

Q. Is the document which I am handing you a copy of that report?

A. Yes, it is.

[fol. 347] Mr. Campbell: Although I believe the Court will take judicial notice of that, I will offer it as Plaintiff's Exhibit No. 12.

(The document referred to was marked Plaintiff's Exhibit No. 12 for Identification.)

By Mr. Campbell:

Q. Did the Report of the Commission on Redistricting or the Hoover Commission, as we have termed it, follow any of the plans of A, B, or C submitted by the Bureau of Public Administration?

A. I would say that not consciously. There may be some districts that appear in the Commission's report that are identical to those which appear in various of our plans but I would say in general they are not based—

Q. Was the population deviation proposed in the Hoover Commission report with respect to the House of Delegates greater than that proposed in either plan, Plan A or Plan B for the House of Delegates?

A. You mean the extreme?

Q. The extremes, yes, sir.

A. I believe they are for the house. I couldn't say for the Senate.

Q. You think they are for the House?

[fol. 348] A. I think they are.

Q. Are you familiar with the redistricting which was actually done by the General Assembly by its enactment at its 1962 session?

A. Yes, sir.

Q. Were the deviations, the population deviations in the 1962 Redistricting Act of the General Assembly greater than those submitted by the Bureau of Public Administration in either its Plan A or Plan B for the House of Delegates?

A. Yes, I would say they were.

Q. Were they also greater with respect to the Senate than either Plans A, B, or C?

A. Yes, they were.

Q. I show you a document entitled, "Index Values of the Right to Vote for Members of the Legislature by Counties, as Percentages of the State-Wide Average, Following Redistricting." I ask you if that document was prepared by the Bureau of Public Administration?

A. Yes, it was prepared by me in accordance with research I was conducting.

Mr. Campbell: I will ask that this be offered and then I will ask the witness some questions about it. This will be offered as Plaintiff's Exhibit No. 13.

[fol. 349] (The document referred to was marked Plaintiff's Exhibit No. 13 for Identification.)

By Mr. Campbell:

Q. You say you prepared this statistical analysis, Dr. Eisenberg?

A. Yes, I did. It is a modification of a similar table which we submitted to the Commission on Redistricting and which will appear in the second volume of the devaluation study.

Q. Your monograph entitled, Devaluation of the Urban and Suburban Vote?

A. That's right. A second volume will contain this table of index figures for counties and this particular table is a modification of that table which will be published. This table itself won't be.

Q. I would like to ask you some questions with respect to this Plaintiff's Exhibit No. 13. It is entitled, "Index Values of the Right to Vote for Members of the State Legis-



lature by Counties." Actually, it includes by cities as well as counties, does it not?

A. It does.

Q. The first column is entitled, 1960 population. Is this to the nearest thousand?

[fol. 350] A. Yes, it is.

Q. Is that based on the same census figures which you used and which you previously testified that you used in Plaintiff's Exhibit 4?

A. Yes, they are. There may be a slight modification for Norfolk and Princess Anne that may not—well, let's put it this way, that may or may not have affected the rounding problem.

Q. Will you explain your answer, sir?

A. The figures in the original table were prepared from the Advance Reports for Virginia. Subsequent to that time we determined slight changes, one of which affected Norfolk City and Princess Anne County and accommodated them in our statistics.

Q. What do you mean, slight changes?

A. Where there was an error by the Census Bureau in the population counts for those two governmental units.

Q. Then did you use the final Census reports in this Plaintiff's Exhibit 13?

A. Yes, I believe so. But now it may not have affected the rounding—see what I mean?

Q. Yes.

A. The figures may be identical.

Q. But you did use, in the preparation of Plaintiff's Exhibit No. 13 the final United States Census population [fol. 351] reports for 1960?

A. I don't know if it is exactly the final one. It was a Census Report subsequent to the publication of the Advance Reports we used previously.

Q. Can you tell me what report that was that you used?

A. No, not offhand. I would have to try and run that down. Someone can probably get it right quickly.

Q. I think we had better get it.

A. I didn't want to confuse you.

Q. While that document is being located, Dr. Eisenberg, I will ask you a few additional questions with respect to

Plaintiff's Exhibit No. 13. It purports to show certain index values for the years 1910, 1930, 1950 and 1960. Do those index values relate to the census figures for 1910, the census figures for 1930, the census figures for 1950, and the census figures for 1960?

A. They do.

Q. Do they refer to the index value of the right to vote as you have determined it for the redistricting done by the General Assembly of Virginia following the publication of those census figures? In other words, in 1912, 1932, 1952, or 1955 and 1962, respectively?

A. Yes, they do. The figures for 1950, I believe, accommodate a slight change—1958, I believe.

[fol. 352] Q. 1955?

A. 1955.

Q. But the 1910 figures relate to the 1910 census and the reapportionment made by the legislature following that census, is that correct?

A. They relate to the redistricting in effect following that census.

Q. Following that census?

A. Yes.

Q. And similarly for 1930?

A. Similarly for 1930.

Q. And similarly for 1950?

A. Similarly for 1950.

Q. I believe you stated that 1950 also includes some redistricting that was done in '55?

A. Yes.

Q. With respect to the 1960 figures, they relate to the 1960 census to which you have referred?

A. Yes.

Q. Are the index values referred to here index values computed following the redistricting, giving effect to the Redistricting Act of 1962?

A. Yes, they do.

Q. Now, referring to these figures for 1960, you give [fol. 353] Accomack, as to the lower house, an index value of the right to vote of 212. Will you explain what that means?

A. Yes. You don't at this point want an explanation of the index value concept?

Q. Yes. I think it would be helpful if you would give an explanation of the index value concept that is used in this Plaintiff's Exhibit 13.

A. These index values are computed by dividing the ideal district size on a state-wide basis for the House of Delegates by the population per representative of a district.

In the case of this figure for Accomack County—

Q. Now, wait a minute; let me interrupt you just a moment. The population of Virginia was over 3,900,000, was it not, in 1960?

A. Yes, it was.

Q. Less than four million?

A. Yes.

Q. That would mean, is it a correct statement that you are assuming that the ideal population size would be one for House of Delegates, would be one hundredth of that? In other words, 39,000-odd?

A. Yes, I think it is 39,699.

Q. That is the basis on which you would start for the House of Delegates?

[fol. 354] A. Yes.

Q. Now, will you proceed from that?

A. We would be dividing the population of the State by the number of delegates which would produce this figure of 39,669 which we would call the state-wide average population per district. To arrive at the index you would then divide 39,669 by the population of a district and this would yield the index value for that district.

Q. Did Accomack have a sole delegate?

A. Accomack is a legislative district by itself. In addition, it is part of a, what is described as a "floater" district with Northampton County. As a result, has an index value for the district that it has to itself and an index value that it has for the district which it shares with Northampton. According to our study, Accomack County was credited with the share of the floater representative that its population bore to the population of the entire district.

Q. And then the index value for that "floater" district added to the index value of its sole delegate?

A. The ultimate index value for Accomack is determined in either of two ways, one of which is that mathematically its index value becomes the sum of the index values of the two districts in which it finds itself or, alternatively, if you divide the population of the county by the number of [fol. 355] representatives that the county has, you can determine for that county what its population per representative is; then dividing that population per representative for Accomack County into the ideal or into the state-wide average or 39,669, you would arrive at the same index value or 2.12.

Q. Does this mean, then, that for the lower House Accomack has, in your opinion, sir, 212 percent of its ideal population representation in the lower House under the 1962 redistricting for the House?

A. I think I would express it as Accomack having, Accomack County having, 212 percent of the vote value that its citizens would be entitled to under an ideal scheme of population equality between districts.

Q. Now, if you let me point out now, sir, on the second page of Plaintiff's Exhibit No. 13, Fairfax County. It had a population in 1960 of the nearest thousand of 275,000, did it not?

A. Yes, sir.

Q. It had an index value in the lower House of 42; is that correct?

A. Yes, sir.

Q. How is that index value arrived at in Fairfax, now?

A. This was computed by dividing the population of Fairfax County by the number of delegates.

[fol. 356] Q. Fairfax County has 275,000 population?

A. That's right.

Q. According to this statistical analysis?

A. Yes.

Q. It has three delegates, does it not?

A. Yes, sir; I believe so.

Q. Will you explain briefly how that computation is arrived at now for Fairfax County? You want to do it mathematically?



A. Well, now, computing this for the House, let me see if I can simplify things. Dividing the population of Fairfax County, some 275,000, by its three delegates produces a population per representative in Fairfax County of 95,064 persons. Then dividing the state-wide average population per representative of 39,669 by 95,064 produces an index for Fairfax County in the House of Delegates of .42 or 42 percent.

Q. Now, then, if the index value of Accomack is 2.12 and the index value of Fairfax is .42, what would you say was the maximum deviation from the ideal, assuming those to be the extremes under the 1962 Redistricting Act; what would you say was the extreme deviation from the ideal on a population basis under the 1962 Act?

Let me go further, sir, and in explanation of my question. In your Report No. 3 to the Commission on Redistricting [fol. 357] you suggested that the maximum deviation, in your opinion, should be within 25 percent.

A. Yes.

Q. Were those deviations within 25 percent?

A. No, they are not.

Mr. Mays: Don't you mean, to get it clear, 25 percent up and 25 percent down? In other words, 50?

Mr. Campbell: I do mean 25 percent up and 25 percent down. That is the reason I would like this witness to explain what—

The Witness: We could put it this way in terms of the index values that we have employed, namely that Fairfax is .42 in comparison to Accomack 2.12—would mean in the terms of our study that a voter in Accomack had almost five times the vote value of a citizen of Fairfax, comparing the two in that way.

By Mr. Campbell:

Q. Can you, assuming those to be the maximum deviations under the 1962 Redistricting Act, can you apply the same formula to which you have referred in your Plans A and Plan B—that is, you stated in Plan A for the House of Delegates that you were getting a range between 1.17 as a maximum and .83 as a minimum. Is it correct to say that

applying the same criteria that the variation is between 2.12 [fol. 358] as a maximum and .42 as a minimum?

A. Yes.

Q. In the 1962 Redistricting Act?

A. Yes, that can be said.

Q. Is it also correct that under that formula, that if you subtract .42 from 2.12 you get 1.70; that the variation is .85—85 percent instead of 25 percent?

A. Off the record.

(Discussion off the record.)

Q. Let me withdraw the question and restate it:

In your Plan A and Plan B you were attempting to provide that, were you not, that no district have more than 25 percent above its representation on a fair population basis?

A. That's right.

Q. No district have more than 25 percent less than its fair representation?

A. Yes.

Q. Or, as Mr. Mays said, a maximum variation of 50 percent—that is, 25 percent up and 25 percent down; is that correct?

A. Yes.

Q. Or if you were applying the 15 percent formula it would be a maximum variation of 30 percent—that is, 15 up and 15 down, is that correct?

[fol. 359] A. Yes; it is within, again, the terms of this approach.

Q. Now, applying that approach to the actual redistricting with respect to Fairfax County on the one hand and Accomack on the other, I would ask you to tell me what the variation up and down is.

A. There would be a difference of 1.70 between the two districts, the two counties.

Q. Is it correct to state that under the 1962 Redistricting Act Fairfax County has 59 percent less than the ideal average? That is, the difference between 42 percent and 100 percent or 52 points less than the ideal average? How would you express it?

A. I would say that Fairfax County receives 42 percent of the representation to which it would be entitled under terms of population equality.

Q. And Accomack receives what percent of the representation to which it would be entitled under population equality?

A. It receives 212 percent.

Q. And the vote value of a citizen of Accomack in the selection of a Member of the House of Delegates bears what ratio to the vote value of a citizen of Fairfax County?

A. That is pretty simple. In Accomack, a citizen would have a vote value worth almost five times that of a Fairfax County voter.

Q. Under the 1962 Redistricting Act?

[fol. 360] A. Under the 1962 Redistricting Act.

Q. Now, in Arlington, the vote value in Arlington under this index, Plaintiff's No. 13, is what for a Member of the House of Delegates following the 1962 Redistricting Act?

A. 73—.73.

Q. Would the vote value, then, of a citizen of Accomack under this table bear what ratio to the vote value of a citizen of Arlington following the 1962 Redistricting Act?

A. The Accomack citizen's vote value would be almost three times that of the Arlington Citizen.

Q. Is the vote value of a citizen of the City of Falls Church under the 1962 Redistricting Act the same as the vote value of a citizen of Fairfax for the House of Delegates under the 1962 Redistricting Act?

A. Yes, it is.

Q. Applying Plaintiff's Exhibit 13 to the upper House for a moment, or the Senate, Mr. Eisenberg, the vote value of a citizen of Arlington, following the 1962 redistricting insofar as the Senate is concerned, is what?

A. 61.

Q. 61 percent?

A. That's right.

Q. That is based on the assumption that Arlington has [fol. 361] what population under the 1960 census?

A. 163,401.

Q. The ideal population for a senator based upon population division is what?

A. 99,174.

Q. The vote value of a citizen of Louisa County for the upper House or the Senate, following the 1962 Redistricting Act was what?

A. 159.

Q. For the County of Loudoun.

A. 156 percent.

Q. Applying the same criteria, then, which you applied to the House of Delegates, the value of the right to vote of a citizen of Loudoun or Louisa is how much greater than that of a citizen of Arlington for the Senate?

A. It is over, the value is almost twice as great for Louisa citizen in comparison to an Arlington citizen.

Q. You say almost twice as great?

A. I am sorry; a little over twice as great.

Q. Almost two and a half times as great, isn't it?

A. Almost two and a half.

Q. In fact, it is a little more than two and a half?

A. I can't say without my calculations.

Q. And Lunenburg is 161, the value of the right to vote [fol. 362] for the Senate is 161, isn't it?

A. That's right.

Q. Similarly for the County of Brunswick, is it not?

A. Yes, sir.

Q. Is it true that the value of the right to vote for Members of the Senate in the Counties of Lunenburg and Brunswick is more than two and a half times that of Arlington?

A. Yes, sir; around two and a half times more.

Q. And the value of the right to vote for the upper House in Fairfax County is 70, is it not?

A. Yes, sir.

Q. For Falls Church also 70?

A. Yes, sir.

Q. Then is it true that the value of the right to vote for Members of the Senate in Lunenburg and in Brunswick and in Louisa and in Loudoun is also more than twice that of the value of the right to vote in Fairfax and Falls Church for Members of the Senate?

A. Yes, sir.

Q. Mr. Eisenberg, did you also prepare a compilation entitled, "Average Values of the Right to Vote for Repre-



sensation in the Virginia General Assembly Before and After 1962 Redistricting Act" Based on Population Categories, general population categories?

[fol. 363] A. Yes, sir; I did.

Q. Is the paper which I hand you the one to which you refer?

A. Yes, sir.

(The document referred to was marked Plaintiff's Exhibit No. 14 for Identification.)

Mr. Campbell: I offer that in evidence as Plaintiff's Exhibit No. 14.

By Mr. Campbell:

Q. This Plaintiff's Exhibit No. 14 has in its last column—strike that.

Q. The last column of Plaintiff's Exhibit No. 14 is entitled, "Average Values of the Vote for Representation in Lower House/Upper House/Legislature."

I will ask you if the values referred to, the average values referred to, are the same—strike that.

I would ask you if the indexes referred to in this column, these columns, for the Lower House, Upper House, and Legislature are computed in the same manner as were used in the computation of Plaintiff's Exhibit 13?

A. Yes, sir; except for the fact that these are cumulative figures.

Q. Dealing with, for a moment, or referring in Plaintiff's Exhibit 14 to the average value of the right to vote, as it [fol. 364] appears under that exhibit, following the reapportionment of 1962, I note that the categories of the state having population of under 25,000 had in the lower house an average vote value of 118.

A. Yes, sir.

Q. Will you explain what is meant by that?

A. Under the same concept of average value of the right to vote or index values of the right to vote, it means that all counties and cities in population category of under 25,000 had 118 percent of the representation in the House

of Delegates than they would have had under a scheme of ideal population equality between districts.

Q. Are you referring now to individual counties of less than 25,000 population added together, and individual cities of less than 25,000 population added together?

A. Yes. The populations of all counties and cities in the State under 25,000.

Q. Yes.

A. Were added, giving us a population figure; similarly total representation that counties and cities in this population category had were totaled and then dividing the cumulative population total by the cumulative representative total produced a population per representative for all units within that category. Then this population per representative of that category, divided into the ideal state-wide [fol. 365] average population per representative produces this cumulative average value.

Q. The county—

A. Similarly for the other categories, the other two.

Q. Now, also in Plaintiff's Exhibit No. 14 I note that categories having populations between 100,000 and 499,000 had for the lower House an average representation value of 79 percent. Is that calculated on the same basis?

A. Yes, it is.

Q. The County of Arlington and the County of Fairfax would come in that category, would they not?

A. Yes, sir; this concept was developed as part of the Devaluation Study which was an attempt to produce usable categories on a national basis for all fifty states.

Q. The last column, entitled "Legislature"—is that simply an average between the upper and the lower House?

A. Yes, it is; it is an average between the two Houses.

Q. Arithmetical mean?

A. Arithmetical average. It is a strict and simple averaging process based upon the assumption that each legislative House in a bicameral legislature has equal weight in the legislative process.

Q. I now show you a paper entitled, "Ratio Largest to Smallest Population Per Delegate, Virginia General Assembly," and ask you if you prepared that.

A. Yes, sir; it was prepared under my supervision.

Mr. Campbell: I offer that as Plaintiff's Exhibit No. 15.

(The document referred to was marked Plaintiff's Exhibit No. 15 for Identification.)

By Mr. Campbell:

Q. Calling your attention to Plaintiff's Exhibit 15, I notice that the years to which you refer there are 1915, 1935, 1955 and 1964.

A. Yes, sir.

Q. Calling specifically your attention to 1964, I see a star, asterisk, which makes reference to Acts of 1962.

A. Yes, sir.

Q. Are you referring to the Reapportionment or Redistricting Act of the General Assembly of 1962?

A. Yes, sir.

Q. Now, when you refer to 1964, are you referring to 1964 population figures or 1960 population figures?

A. 1960 population figures. The purpose of 1964 is the year in which that will be effective for a General Assembly.

Q. For a General Assembly elected to serve in 1964?

A. Yes, sir.

[fol. 367] Q. I show you a paper similar in character relating to the Senate. Was that also prepared under your supervision?

A. Yes, sir.

Q. Were the computations prepared on the same basis as they were for the House of Delegates? Plaintiff's Exhibit 15.

A. That's right; yes, sir.

Mr. Campbell: I offer that in evidence as Plaintiff's Exhibit No. 16.

(The document referred to was marked Plaintiff's Exhibit No. 16.)

By Mr. Campbell:

Q. I have asked, sir, in connection with what census figures, what census figures you used in the preparation of the exhibits which have been referred to as Plaintiff's Exhibits 13, 14, 15 and 16, and you stated that you would send out for the document which you used. Have you got that document?

A. Yes, sir. You requested the latest figures we used for Virginia for—

Q. I requested the figures which were used by you in the preparation of Plaintiff's Exhibit 13.

A. Yes, sir.

Q. Were the same figures which were used by you in the preparation of Plaintiff's Exhibit 13, same population [fol. 368] figures, used in the preparation of Plaintiff's Exhibits 14, 15, 16.

A. They were used for 14 and a portion of 15 and 16.

Q. Insofar as applicable?

A. That's right.

Q. Can you indicate to me now the document giving the population figures which were used in the preparation of Plaintiff's Exhibits 13, 14, 15, 16?

A. The document is entitled, United States Census of Population, 1960; United States Summary, Number of Inhabitants, published by the United States Department of Commerce, Bureau of the Census, and designated as Final Report, PC (1-1A).

Q. Does it have a date?

A. I don't see one.

Q. I call your attention to the Roman numeral page iii of the document after the word, "Preface and Acknowledgment." Is there a date appearing on it?

A. Yes, and the date appearing there is May, 1961.

Mr. Campbell: We will offer this as Plaintiff's Exhibit No. 17. I will get copies of this and send you.

(The document referred to was marked Plaintiff's Exhibit No. 17 for Identification.)

By Mr. Campbell:

Q. Mr. Eisenberg, is the statistical data which has been [fol. 369] identified by you and offered in evidence accurately computed, to the best of your knowledge?

A. Yes, sir; it is accurate to the best of my knowledge.

Mr. Campbell: I have no further questions.

Mr. Mays: No questions.



Cross examination.

By Mr. Howell:

Q. Dr. Eisenberg, I show you a compilation the caption page of which is, 1962 General Assembly Redistricting in which certain computations are made by districts and ask you if that was done under your direction and what the purpose of that document is.

A. This document was prepared under my supervision. Its purpose was to bring up-to-date similar statistics that we had compiled in regard to the apportionment of both Houses of the Virginia General Assembly prior to the 1962 General Assembly Redistricting.

Q. The population statistics, are these the ones that are embodied in Plaintiff's Exhibit 17, being the census information that you last referred to?

A. I believe so.

Q. I just want to ask you, you are satisfied that it is the intermediate information that is in this exhibit, is that right, Dr. Eisenberg?

[fol. 370] A. I am not sure I understand you.

Q. There has been some off-the-record discussion as to the source of the census statistics that are contained in the document which I am offering in evidence as Intervening Petitioner's Exhibit 1. I want to ask you if you wish to correct your previous answer at this time with reference to whether the census statistics are those contained in what we have termed the Final Census Report, Plaintiff's Exhibit 17, or whether it is in the Advance Reports, which is Plaintiff's Exhibit 4.

Just one moment. That reference to that Plaintiff's Exhibit 4—

A. No, it appears to me that it is the information that appears in the Final Census Report, according to the footnote.

Q. So, to the best of your knowledge, at the present time, Intervening Petitioner's Exhibit 1, we have the census statistics appearing in the Final Report which has heretofore been introduced as Plaintiff's Exhibit 17?

A. Yes, sir.

(The document referred to was marked Intervening Petitioner's Exhibit No. 1.)

By Mr. Howell:

Q. Dr. Eisenberg, in Plaintiff's Exhibit 3, which is Plan A for Redistricting of the House of Delegates, would you [fol. 371] state how many delegates were recommended for the City of Norfolk?

A. House Plan A for the House of Delegates submitted to the Commission on Redistricting recommended seven delegates for the City of Norfolk.

Q. In House Plan B, how many delegates were recommended for the City of Norfolk?

A. House Plan B, seven delegates were recommended for the City of Norfolk.

Q. In the so-called Hoover Commission Report, how many delegates were recommended for the City of Norfolk?

A. The Commission on Redistricting Report recommended seven delegates for the City of Norfolk.

Q. Now, referring to those same, referring to Plaintiff's Exhibit 7, Plan A for Redistricting the Senate, How many Senators were recommended to be allocated to the City of Norfolk?

A. Plan A recommended three Senators for the City of Norfolk.

Q. Senate Plan B which is Plaintiff's Exhibit 8, how many Senators were recommended for the City of Norfolk?

A. Senate Plan B recommends three Senators for the City of Norfolk.

Q. Referring to the Hoover Commission, or the Governor's Committee on Redistricting, how many Senators were [fol. 372] recommended for the City of Norfolk?

A. The Committee on Redistricting Report recommended three Senators for the City of Norfolk.

Q. Dr. Eisenberg, I would like to have you refer to the necessary documents and give me the comparison between the index value of the right to vote for the Members of

the House of Delegates of the Virginia General Assembly for the City of Norfolk as related to Accomack County following the 1960 census.

A. The index value for Norfolk under the 1962 Redistricting Act in the House of Delegates was 78 percent compared to Accomack's 212 percent.

Q. Following that same exercise in mathematics that Mr. Campbell put you through, would you tell me so that we will have it for the record, the ratio, or the difference in the value of a citizen of the City of Norfolk to vote for a representative of the House of Delegates as compared to Accomack, the number of times greater one is to the other.

A. The citizen of Accomack's vote value would be over two and a half times as great as the Norfolk citizen's.

Q. I wish you would give me the index value of the right to vote of a citizen of the City of Chesapeake, Virginia, which is the District of South Norfolk and Norfolk County, as contained in your statistics.

[fol. 373] Mr. Campbell: Which?

The Witness: Chesapeake City. That is a new city. It will appear under Norfolk County.

Is this for the House of Delegates?

By Mr. Howell:

Q. For the House of Delegates.

A. The House of Delegates would be 108.

Q. 108 percent?

A. For Norfolk County.

Q. For Norfolk County and South Norfolk combined?

A. South combined, yes—South Norfolk, yes.

Q. Is that correct, 108 for Norfolk County and South Norfolk combined?

A. Yes, sir.

Q. I would like to take that same City of Chesapeake and have you give me the index value of the right to vote for the State Senate?

A. The State Senate, the index value for what is now Chesapeake would be 135 percent.

Q. What is the index value of the right to vote of a citizen of Norfolk for the State Senate?

A. Norfolk City?

Q. Norfolk City.

A. 65 percent.

[fol. 374] Q. Does that appear to be that the citizen of the City of Chesapeake's vote was slightly in excess of two times that of the citizen of Norfolk?

A. In the State Senate?

Q. In the State Senate.

A. Yes.

Q. What is the degree of deviation with respect to the State Senate between the City of Norfolk and the now city of Chesapeake?

A. The citizen of what is now Chesapeake would have for the State Senate the vote value that would be 135 percent of what it should be under conditions of population equality between districts whereas a citizen of Norfolk would have a vote value of 65 percent.

Q. Is it practicable to relate these deviations so as to compare the actual deviation between the City of Chesapeake and the City of Norfolk with the maximum allowable deviation consistent with fair apportionment?

A. No. The deviations in both directions are greater than they should be under conditions of no more than 25 percent deviation.

Q. They are greater than they should be but could you tell me what the percentage of deviation is?

A. That is back where we were before.

[fol. 375] Q. If that is not practicable without a machine—

A. I would say now I don't think it is practicable.

Q. There is no question but what it exceeds the maximum tolerances consistent with fair apportionment?

A. With what I would consider to be fair apportionment.

Mr. Howell: That's all.

Mr. Mays: That prompts this question: what you consider to be a fair apportionment. What you are saying is that it exceeds the 25 percent, 25 percent tolerance.

The Witness: That's right.



Mr. Mays: Thank you. I have no further questions.  
Mr. Campbell: Thank you.

RALPH EISENBERG  
Ralph Eisenberg

(Thereupon, at 3:55 o'clock, p.m., the taking of the deposition was concluded.)

[fol. 376]

STATE OF VIRGINIA  
COUNTY OF ALBEMARLE

I, Gilbert Halasz, a notary public duly commissioned and qualified in and for the State of Virginia At-Large, do hereby certify that, pursuant to notice, there came before me on the twenty-eighth day of August, 1962, at 2:00 o'clock, p.m., in the Conference Room, Minor Hall, University of Virginia, Charlottesville, Virginia, the following named person, to-wit, Ralph Eisenberg, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon carefully examined upon his oath and his examination reduced to writing by me; that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 6th day of September, 1962.

GILBERT HALASZ  
Notary Public in and for the  
State of Virginia At-Large

(Seal)

My commission expires February 3, 1966.

[fol. 377]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 1

Commonwealth of Virginia

ANNUAL REPORT  
OF  
VIRGINIA ALCOHOLIC BEVERAGE  
CONTROL BOARD

Fiscal Year Ended June 30, 1961

[fol. 378]

TABLE VIII—DISTRIBUTION OF A. B. C. PROFITS  
TO COUNTIES, CITIES AND TOWNS

Place

GRAND TOTAL

TOTAL COUNTIES

TOTAL CITIES

TOTAL TOWNS

Accomack

Accomac

Belle Haven

Bloxom

Chincoteague

Hallwood

Keller

Melfa

Onancock

Onley

## Place

Painter  
 Parksley  
 Saxis  
 Tangier  
 Wachapreague  
 Total

Albemarle  
 Scottsville  
 Total

Alleghany  
 Iron Gate  
 Total

Amelia  
 Total

Amherst  
 Amherst  
 Total

Appomattox  
 Appomattox  
 Pamplin  
 Total

Arlington  
 Total

Augusta  
 Craigsville  
 Total

Bath  
 Total

Bedford  
 Bedford  
 Total

Bland  
 Total

## Place

[fol. 379]

Botetourt

Buchanan

Fincastle

Troutville

Total

Brunswick

Alberta

Brodnax

Lawrenceville

Total

Buchanan

Grundy

Total

Buckingham

Buckingham

Dillwyn

Total

Campbell

Altavista

Brookneal

Total

Caroline

Bowling Green

Port Royal

Total

Carroll

Hillsville

Total

Charles City

Total

Charlotte

Charlotte Court House

Drakes Branch

Keysville

Phenix

Total



## Place

Chesterfield  
Total

Clarke  
Berryville  
Boyce  
Total

Craig  
New Castle  
Total

Culpeper  
Culpeper  
Total

[fol. 380]  
Cumberland  
Total

Dickenson  
Clintwood  
Haysi  
Total

Dinwiddie  
McKenny  
Total

Essex  
Tappahannock  
Total

Fairfax  
Clifton Station  
Fairfax  
Herndon  
Vienna  
Total

Fauquier  
Remington  
The Plains  
Warrenton  
Total

## Place

Floyd  
 Floyd  
 Total

Fluvanna  
 Columbia  
 Total

Franklin  
 Boones Mill  
 Rocky Mount  
 Total

Frederick  
 Middletown  
 Stephens City  
 Total

Giles  
 Glen Lyn  
 Narrows  
 Pearisburg  
 Pembroke  
 Rich Creek  
 Total

Gloucester  
 Total

Goochland  
 Total

[fol. 381]  
 Grayson  
 Fries  
 Independence  
 Troutdale  
 Total

Greene  
 Stanardsville  
 Total

Greensville  
 Emporia  
 Total

## Place

## Halifax

Clover

Halifax

Scottsburg

Virgilina

Total

## Hanover

Ashland

Total

## Henrico

Total

## Henry

Ridgeway

Total

## Highland

Monterey

Total

## Isle of Wight

Smithfield

Windsor

Total

## James City

Total

## King George

Total

## King and Queen

Total

## King William

West Point

Total

## Lancaster

Irvington

Kilmarnock

Whitestone

Total

## Place

[fol. 382]

## Lee

Jonesville  
 Pennington Gap  
 St. Charles  
 Total

## Loudoun

Hamilton  
 Hillsboro  
 Leesburg  
 Lovettsville  
 Middleburg  
 Purcellville  
 Round Hill  
 Total

## Louisa

Louisa  
 Mineral  
 Total

## Lunenburg

Kenbridge  
 Victoria  
 Total

## Madison

Madison  
 Total

## Mathews

Total

## Mecklenburg

Boydton  
 Chase City  
 Clarksville  
 LaCrosse  
 South Hill  
 Total

## Middlesex

Urbanna  
 Total



## Place

Montgomery  
 Blacksburg  
 Cambria  
 Christiansburg  
 Total

Nansemond  
 Holland  
 Whaleyville  
 Total

Nelson  
 Total

New Kent  
 Total

[fol. 383]  
 Norfolk  
 Total

Northampton  
 Cape Charles  
 Cheriton  
 Eastville  
 Exmore  
 Nassawadox  
 Total

Northumberland  
 Total

Nottoway  
 Blackstone  
 Burkeville  
 Crewe  
 Total

Orange  
 Gordonsville  
 Orange  
 Total

## Place

## Page

Luray  
Shenandoah  
Stanley  
Total

Patrick  
Stuart  
Total

Pittsylvania  
Chatham  
Gretna  
Total

Powhatan  
Total

Prince Edward  
Farmville  
Total

Prince George  
Total

Princess Anne  
Total

Prince William  
Haymarket  
Manassas  
Manassas Park  
Occoquan  
Quantico  
Total

[fol, 384]

Pulaski  
Draper  
Dublin  
Pulaski  
Total

Rappahannock  
Washington  
Total

246

Place

Richmond

Warsaw

Total

Roanoke

Salem

Vinton

Total

Rockbridge

Glasgow

Goshen

Lexington

Total

Rockingham

Bridgewater

Broadway

Dayton

Elkton

Grottoes

Mt. Crawford

Timberville

Total

Russell

Cleveland

Honaker

Lebanon

Total

Scott

Clinchport

Duffield

Dungannon

Gate City

Nickelsville

Weber City

Total

Shenandoah

Edinburg

Mt. Jackson

## Place

New Market  
 Strasburg  
 Tom's Brook  
 Woodstock  
 Total

## Smyth

Chilhowie  
 Marion  
 • Saltville  
 Total

[fol. 385]

## Southampton

Boykins  
 Branchville  
 Capron  
 Courtland  
 Franklin  
 Ivor  
 Newsome

Total

## Spotsylvania

Total

## Stafford

Total

## Surry

Claremont  
 Dendron  
 Surry

Total

## Sussex

Jarratt  
 Stony Creek  
 Wakefield  
 Waverly

Total

## Tazewell

Bluefield  
 Cedar Bluff



## Place

North Tazewell  
 Pocahontas  
 Richlands  
 Tazewell  
 Total

## Warren

Front Royal  
 Total

## Washington

Abingdon  
 Damascus  
 Glade Springs  
 Total

## Westmoreland

Colonial Beach  
 Montross  
 Total

## Wise

Appalachia  
 Big Stone Gap  
 Coeburn  
 • Pound  
 St. Paul  
 Wise  
 Total

[fol. 386]

## Wythe

Rural Retreat  
 Wytheville  
 Total

## York

Poquoson  
 Yorktown  
 Total

Total Counties

Total Towns

## Place

## CITIES

Alexandria  
 Bristol  
 Buena Vista  
 Charlottesville  
 Clifton Forge  
 Colonial Heights  
 Covington  
 Danville  
 Fairfax  
 Falls Church  
 Fredericksburg  
 Galax  
 Hampton  
 Harrisonburg  
 Hopewell  
 Lynchburg  
 Martinsville  
 Newport News  
 Norfolk  
 Norton  
 Petersburg  
 Portsmouth  
 Radford  
 Richmond  
 Roanoke  
 South Boston  
 South Norfolk  
 Staunton  
 Suffolk  
 Virginia Beach  
 Waynesboro  
 Williamsburg  
 Winchester

Total Cities

\*Towns located in two counties are listed in that county in which the majority of their population resides.

†Fairfax became a city under court order of May 10, 1961.

NOTE: A. B. C. Profits distributed Aug. 25, 1961.

Wine Tax distributed Oct. 10, 1961.

[fol. 387]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 2

U. S. DEPARTMENT OF COMMERCE

Bureau of the Census

Washington 25

September 26, 1962

I HEREBY CERTIFY, That according to the official count of the returns of the EIGHTEENTH CENSUS OF THE UNITED STATES, on file in the Bureau of the Census, the number of males 14 years old and over in the labor force reported as in the Armed Forces, as of April 1, 1960, for the County of Arlington, State of Virginia, was ten thousand six hundred and twenty-eight (10,628).

/s/ RICHARD M. SCAMMON

Richard M. Scammon  
Director  
Bureau of the Census

[Stamp—Received Oct. 2, 1962, Clerk,  
U. S. Dist. Court, Richmond, Va.]

[Seal]

[fol. 388]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## DEFENDANTS' EXHIBIT 3

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

28 September 1962

## ELECTORAL COLLEGE DATA

The data and the summary contained herein were prepared under my direction by members of the staff of the Bureau of Public Administration of the University of Virginia and, to the best of my knowledge, are accurate based upon the sources cited.

/s/ WELDON COOPER

Weldon Cooper  
Director

Subscribed and sworn to before me on the 28th day of September, 1962.

/s/ CLARICE R. SNEAD

Clarice R. Snead  
Notary Public  
Albemarle County, Virginia

My commission expires 6 February 1966.

[Seal]

[Stamp—Received Oct. 2, 1962, Clerk,  
U. S. Dist. Court, Richmond, Va.]



[fol. 389]

## Electoral College Data

Name of State	Population— 1960 Census	Number of Electors	Population per Elector
Alabama	3,266,740	10	326,674
Alaska	266,167	3	88,722
Arizona	1,302,161	5	260,432
Arkansas	1,786,272	6	297,712
California	15,717,204	40	392,930
Colorado	1,753,947	6	292,325
Connecticut	2,535,234	8	316,904
Delaware	446,292	3	148,764
Florida	4,951,560	14	353,683
Georgia	3,943,116	12	328,593
Hawaii	632,772	4	158,193
Idaho	667,191	4	166,798
Illinois	10,081,158	26	387,737
Indiana	4,662,498	13	358,654
Iowa	2,757,537	9	306,393
Kansas	2,178,611	7	311,230
Kentucky	3,038,156	9	337,573
Louisiana	3,257,022	10	325,702
Maine	969,265	4	242,316
Maryland	3,100,689	10	310,069
Massachusetts	5,148,578	14	367,756
Michigan	7,823,194	21	372,533
Minnesota	3,413,864	10	341,386
Mississippi	2,178,141	7	311,163
Missouri	4,319,813	12	359,984
Montana	674,767	4	168,692
Nebraska	1,411,330	5	282,266
Nevada	285,278	3	95,093
New Hampshire	606,921	4	151,730
New Jersey	6,066,782	17	356,870
New Mexico	951,023	4	237,756
New York	16,782,304	43	390,286
North Carolina	4,556,155	13	350,473
North Dakota	632,446	4	158,112
Ohio	9,706,397	26	373,323
Oklahoma	2,328,284	8	291,036

Name of State	Population— 1960 Census	Number of Electors	Population per Elector
Oregon	1,768,687	6	294,781
Pennsylvania	11,319,366	29	390,323
Rhode Island	859,488	4	214,872
South Carolina	2,382,594	8	297,824
South Dakota	680,514	4	170,129
Tennessee	3,567,089	11	324,281
Texas	9,579,677	25	383,187
Utah	890,627	4	222,657
Vermont	389,881	3	129,960
Virginia	3,966,949	12	330,579
Washington	2,853,214	9	317,024
West Virginia	1,860,421	7	265,774
Wisconsin	3,951,777	12	329,315
Wyoming	330,066	3	110,022

[fol. 390] *Sources*

U. S. Bureau of the Census, PC(1)-1A *United States Census of Population, 1960, United States Summary, Number of Inhabitants*, Table 13, p. 1-21. Based upon reapportionment after 1960 Census.

*Ibid.*, Table 24, pp. 1-51-1-63.

[fol. 391]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 4

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

27 September 1962

NEW YORK STATE LEGISLATIVE  
APPORTIONMENT DATA

The data and the summary contained herein were prepared under my direction by members of the staff of the Bureau of Public Administration of the University of Virginia and, to the best of my knowledge, are accurate based upon the sources cited.

/s/ WELDON COOPER

Weldon Cooper  
Director

Subscribed and sworn to before me on the 27th day of September, 1962.

CLARICE R. SNEAD  
Notary Public  
Albemarle County, Virginia

My commission expires 6 Feb. 1966

[Seal]

[Stamp—Received Oct. 2, 1962, Clerk,  
U. S. Dist. Court, Richmond, Va.]

# NEW YORK STATE SENATE

58 Senators      Total State Population - 16,782,304

Average Population per Senator - 289,350

<u>No. of Senators</u>	<u>District</u>	<u>County</u>	<u>Population</u>	<u>Population per Senator</u>
1	# 1	Suffolk	666,784	666,784
3	# 2,3,4	* Nassau	1,300,171	433,390
5	# 5,6,7, 8,9	* Queens	1,809,578	361,915
9	# 10,11,12, 13,14,15, 16,17,18	* Kings	2,627,319	291,924
1	# 19	Richmond	221,991	221,991
6	# 20,21,22, 23,24,25	* New York	1,698,281	283,046
4	# 26,27,28, 29	* Bronx	1,424,815	356,203
3	# 30,31,32	* Westchester	808,891	269,630
1	# 33	Orange	183,734	
		Rockland	<u>136,803</u>	320,537
1	# 34	Delaware	43,540	
		Greene	31,372	
		Ulster	118,804	
		Sullivan	<u>45,272</u>	238,988
1	# 35	Columbia	47,322	
		Dutchess	176,008	
		Putnam	<u>31,722</u>	255,052
1	# 36	Albany	272,926	272,926
1	# 37	Washington	48,476	
		Rensselaer	<u>142,585</u>	191,061
1	# 38	Schoharie	22,616	
		Schenectady	<u>152,896</u>	175,512
1	# 39	Essex	35,300	
		Warren	44,002	
		Saratoga	<u>89,096</u>	168,398

[Vol. 392]



No. of Senators	District	County	Population	Population per Senator
1	# 40	St. Lawrence Franklin Clinton	111,239 44,742 <u>12,722</u>	228,703
1	# 41	Hamilton Herkimer Fulton Montgomery	4,267 66,370 51,304 <u>57,240</u>	179,181
1	# 42	Oneida	264,401	264,401
1	# 43	Lewis Jefferson Oswego	23,249 87,835 <u>86,118</u>	197,202
2	# 44,45	* Onondaga	423,028	211,514
1	# 46	Madison Cortland Chenango Otsego	54,635 41,113 43,243 <u>51,942</u>	190,933
1	# 47	Broome	212,661	212,661
1	# 48	Cayuga Tompkins Tioga	73,942 66,164 <u>37,802</u>	177,908
1	# 49	Steuben Chemung	97,691 <u>98,706</u>	196,397
1	# 50	Wayne Ontario Seneca Yates Schuyler	67,989 68,070 31,984 18,614 <u>15,044</u>	201,701
2	# 51,52	* Monroe	586,387	293,193
1	# 53	Orleans Genesee Wyoming Livingston Allegany	34,159 53,994 34,793 44,053 <u>43,978</u>	210,977
1	# 54	Niagara	242,269	242,269
3	# 55,56,57	* Erie	1,064,688	354,896

[col. 393]

<u>No. of Senators</u>	<u>District</u>	<u>County</u>	<u>Population</u>	<u>Population per Senator</u>
1	# 58	Chautauque Cattaraugus	145,377 <u>80,187</u>	225,564

Total Area, Population - 16,702,304

\* These counties appear from the map, Appendix D, to have more than one Senate district for the county. There is no way to determine what the population for the separate districts is from these appendices than to use population of entire county and average.

<u>Senate District</u>	<u>County</u>	<u>Population</u>	<u>Population per Representative</u>
1	Albany	275,926	137,963
1	Allegany	43,573	43,573
12	Broome	100,115	100,115
2	Chemung	100,501	100,501
2	Cattaraugus	80,187	80,187
1	Cayuga	73,042	73,042
1	Franklin	100,377	100,377
1	Greene	38,796	38,796
1	Hamilton	43,573	43,573
1	Madison	27,102	27,102
1	Montgomery	47,321	47,321
1	Oriskany	42,113	42,113
1	Delaware	100,377	100,377
1	Seneca	100,115	100,115
1	Warren	100,115	100,115
1	Yates	100,115	100,115

[Col. 394]



# NEW YORK

150 Assemblymen - 58 Senators

Total State Population - 16,782,304

Average Population per Senator - 289,350

Average Population per Assemblyman - 111,882

<u>No. in Assembly</u>	<u>District</u> <u>(County)</u>	<u>Population by</u> <u>District</u>	<u>Population per</u> <u>Representative</u>
2	Albany	272,926	136,463
1	Allegany	43,978	43,978
12	Bronx	1,424,815	118,734
2	Broome	212,661	106,330
1	Cattaraugus	80,187	80,187
1	Cayuga	73,942	73,942
1	Chautauqua	145,377	145,377
1	Chemung	98,706	98,706
1	Chenango	43,243	43,243
1	Clinton	72,722	72,722
1	Columbia	47,322	47,322
1	Cortland	41,113	41,113
1	Delaware	43,540	43,540
1	Dutchess	176,008	176,008
8	Erie	1,064,688	133,086
1	Essex	35,300	35,300
1	Franklin	44,742	44,742
* 1	Fulton	51,304	51,304
1	Genesee	53,994	53,994

[fol. 395]

<u>No. in Assembly</u>	<u>District (County)</u>	<u>Population by District</u>	<u>Population per Representative</u>
1	Greene	31,372	31,372
* 1	Hamilton	4,267	(Floater)
1	Herkimer	66,370	66,370
1	Jefferson	87,835	87,835
22	Kings	2,627,319	119,423
1	Lewis	23,249	23,249
1	Livingston	44,053	44,053
1	Madison	54,635	54,635
4	Monroe	586,387	146,596
1	Montgomery	57,240	57,240
6	Nassau	1,300,171	216,695
16	New York	1,698,281	106,142
2	Niagara	242,269	121,134
2	Oneida	264,401	132,200
3	Onandaga	423,028	141,009
1	Ontario	68,070	68,070
2	Orange	183,734	91,867
1	Orleans	34,159	34,159
1	Oswego	86,118	86,118
1	Otsego	51,942	51,942
1	Putnam	31,722	31,722
13	Queens	1,809,578	139,198
1	Rensselaer	142,585	142,585
2	Richmond	221,991	110,995
1	Rockland	136,803	136,803

[Col. 396]



<u>No. in Assembly</u>	<u>District (County)</u>	<u>Population by District</u>	<u>Population per Representative</u>
1	St. Lawrence	111,239	111,239
1	Saratoga	89,096	89,096
1	Schenectady	152,896	152,896
1	Schoharie	22,616	22,616
1	Schuyler	15,044	15,044
1	Seneca	31,984	31,984
1	Steuben	97,691	97,691
3	Suffolk	666,784	222,261
1	Sullivan	45,272	45,272
1	Tioga	37,802	37,802
1	Tompkins	66,164	66,164
1	Ulster	118,804	118,804
1	Warren	44,002	44,002
1	Washington	48,476	48,476
1	Wayne	67,989	67,989
6	Westchester	808,891	134,815
1	Wyoming	34,793	34,793
1	Yates	18,614	18,614

[fol. 397]

\* Apparently Fulton shares a floater seat with Hamilton County.

**[fol. 398] Sources****Apportionment:**

New York State Law, Sections 120-125.

L. 1953, 2d ex. sess., c. 893.

L. 1954, ex. sess., c. 2.

**Population:**

U. S. Bureau of the Census, PC(1)-1A *United States Census of Population, 1960, United States Summary, Number of Inhabitants, Table 24 (New York)*, p. 1-58.

*Legislative Manual of the State of New York 1961-62*, pp. 1030-1031.

*W.M.C.A. Inc. v. Simon*, D.C.S.D.N.Y., 1962, Appendices C, D, and E.

**Note:**

Later census figures may be found in U. S. Bureau of the Census, PC(1)-34C *United States Census of Population, 1960, New York, General Social and Economic Characteristics, Table 35*, p. 34-206.

[fol. 399]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 5

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

28 September 1962

RANK ORDER OF REPRESENTATIVENESS  
(UPPER HOUSES, LOWER HOUSES,  
AND LEGISLATURES)

BY PERCENTAGE OF POPULATION NECESSARY  
TO ELECT MAJORITY OF MEMBERSHIP

The data and the summary contained herein were prepared under my direction by members of the staff of the Bureau of Public Administration of the University of Virginia and, to the best of my knowledge, are accurate based upon the sources cited.

/s/ WELDON COOPER

Weldon Cooper  
Director

Subscribed and sworn to before me on the 28th day of  
September, 1962.

/s/ CLARICE R. SNEAD

Clarice R. Snead  
Notary Public  
Albermarle County, Virginia

My commission expires 6 February 1966

[Seal]

[Stamp—Received Oct. 2, 1962, Clerk,  
U. S. Dist. Court, Richmond, Va.]

[fol. 400]

Rank Order of Representativeness of Upper Houses of  
State Legislatures by Percentage of Population Necessary  
to Elect Majority of Membership\*

Rank	State	Jan. 1962
1	Oregon	47.8
2	Missouri	47.7
3	Vermont	47.0
4	Maine	46.9
5	West Virginia	46.7
6	New Hampshire	45.3
7	Wisconsin	45.0
8	Massachusetts	44.6
9	Arkansas	43.8
10	Kentucky	42.0
11	Virginia**	41.1
12	Ohio	41.0
13	Indiana	40.4
14	Minnesota	40.1
15	South Dakota	38.3
16	New York	36.9
17	North Carolina	36.9
18	Nebraska	36.6
19	Iowa	35.2
20	Alaska	35.0
21	Mississippi	34.6
22	Washington	33.9
[fol. 401]		
23	Connecticut	33.4
24	Pennsylvania	33.1
25	Louisiana	33.0
26	North Dakota	31.9
27	Texas	30.3
28	Colorado	29.8
29	Michigan	29.0
30	Illinois	28.7
31	Tennessee	26.9
32	Wyoming	26.9
33	Kansas	26.8
34	Alabama	25.1



<i>Rank</i>	<i>State</i>	<i>Jan. 1962</i>
35	Oklahoma	24.5
36	South Carolina	23.6
37	Delaware	22.0
38	Utah	21.3
39	New Jersey	19.0
40	Rhode Island	18.1
41	Idaho	16.6
42	Montana	16.1
43	New Mexico	14.0
44	Arizona	12.8
45	Florida	12.3
46	California	10.7
47	Nevada	8.0

\* As reported in *Compendium on Legislative Apportionment*, second edition (New York: National Municipal League, January, 1962). Less Md., Ga., Hawaii not reporting. Statistics and rank order do not reflect reapportionment in Alaska.

\*\* Based upon 1962 redistricting acts and calculated by Bureau of Public Administration staff.

[fol. 402]

Rank Order of Representativeness of Lower Houses of State Legislatures by Percentage of Population Necessary to Elect Majority of Membership\*

<i>Rank</i>	<i>State</i>	<i>Jan. 1962</i>
1	Alaska	49.0
2	Oregon	48.1
3	New Jersey	46.5
4	Rhode Island	46.5
5	South Carolina	46.2
6	Massachusetts	45.3
7	California	44.7
8	Michigan	44.0
9	New Hampshire	43.9
10	Virginia**	40.5
11	North Dakota	40.2
12	West Virginia	40.0
13	Wisconsin	40.0

Rank	State	Jan. 1962
14	Illinois	39.9
15	Maine	39.7
16	Texas	38.6
17	South Dakota	38.5
18	New York	38.2
19	Pennsylvania	37.7
20	Montana	36.6
21	Wyoming	35.8
22	Washington	35.3
23	Nevada	35.0
[fol. 403]		
24	Indiana	34.8
25	Minnesota	34.5
26	Kentucky	34.1
27	Louisiana	34.1
28	Arkansas	33.3
29	Utah	33.3
30	Idaho	32.7
31	Colorado	32.1
32	Ohio	30.3
33	Oklahoma	29.5
34	Mississippi	29.1
35	Tennessee	28.7
36	North Carolina	27.1
37	New Mexico	27.0
38	Iowa	26.9
39	Alabama	25.7
40	Missouri	20.3
41	Delaware	18.5
42	Kansas	18.5
43	Florida	14.7
44	Connecticut	12.0
45	Vermont	11.6

\* As reported in *Compendium on Legislative Apportionment*, second edition (New York: National Municipal League, January, 1962). Less Md., Ga., Hawaii, Arizona not reporting, and Nebraska with unicameral legislature. Statistics and rank order do not reflect reapportionment in Alaska.

\*\* Based upon 1962 redistricting acts and calculated by Bureau of Public Administration staff.

[fol. 404]

**Index of Representativeness, Rank Order  
American State Legislatures, 1962\***

<i>Rank</i>	<i>State</i>	<i>Jan. 1962</i>
1	Oregon	95.9
2	Massachusetts	89.9
3	New Hampshire	89.2
4	West Virginia	86.7
5	Maine	86.6
6	Wisconsin	85.0
7	Alaska	84.0
8	Virginia**	81.6
9	Arkansas	77.1
10	South Dakota	76.8
11	Kentucky	76.1
12	Indiana	75.2
13	New York	75.1
14	Minnesota	74.6
15	Nebraska	73.2
16	Michigan	73.0
17	North Dakota	72.1
18	Ohio	71.3
19	Pennsylvania	70.8
20	South Carolina	69.8
21	Washington	69.2
22	Texas	68.9
23	Illinois	68.6
24	Missouri	68.0
[fol. 405]		
25	Louisiana	67.1
26	New Jersey	65.5
27	Rhode Island	64.6
28	North Carolina	64.0
29	Mississippi	63.7
30	Wyoming	62.7
31	Iowa	62.1
32	Colorado	61.9
33	Vermont	58.6
34	Tennessee	55.6

Rank	State	Jan. 1962
35	California	55.4
36	Utah	54.6
37	Oklahoma	54.0
38	Montana	52.7
39	Alabama	50.8
40	Idaho	49.3
41	Connecticut	45.4
42	Kansas	45.3
43	Nevada	43.0
44	New Mexico	41.8
45	Delaware	40.5
46	Florida	27.0

\* As reported in *Compendium on Legislative Apportionment*, (New York: National Municipal League, January, 1962): Less Md., Ga., and Hawaii not reporting both houses and Ariz. reporting only one house. Statistics and rank order do not reflect reapportionment in Alaska.

\*\* Based upon 1962 redistricting acts and calculated by Bureau of Public Administration staff.



[fol. 406]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 6,

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

29 September 1962

## RANK ORDER OF REPRESENTATIVENESS

(UPPER HOUSES, LOWER HOUSES,  
AND LEGISLATURES)

BY PERCENTAGE OF POPULATION NECESSARY  
TO ELECT MAJORITY OF MEMBERSHIP  
PRIOR TO VIRGINIA 1962 REDISTRICTING

The data and the summary contained herein were prepared under my direction by members of the staff of the Bureau of Public Administration of the University of Virginia and, to the best of my knowledge, are accurate based upon the sources cited.

/s/ WELDON COOPER

Weldon Cooper  
Director

Subscribed and sworn to before me on the 29th day of  
September, 1962.

/s/ CLARICE R. SNEAD

Clarice R. Snead  
Notary Public  
Albemarle County, Virginia

My commission expires 6 February 1966.

[Seal]

[Stamp—Received Oct. 2, 1962, Clerk,  
U. S. Dist. Court, Richmond, Va.]

[fol. 407]

Rank Order of Representativeness of Upper Houses of  
State Legislatures by Percentage of Population Necessary  
to Elect Majority of Membership

<i>Rank</i>	<i>State</i>	<i>Jan. 1962</i>
1	Oregon	47.8
2	Missouri	47.7
3	Vermont	47.0
4	Maine	46.9
5	West Virginia	46.7
6	New Hampshire	45.3
7	Wisconsin	45.0
8	Massachusetts	44.6
9	Arkansas	43.8
10	Kentucky	42.0
11	Ohio	41.0
12	Indiana	40.4
13	Minnesota	40.1
14	South Dakota	38.3
15	Virginia	37.7
16	New York	36.9
17	North Carolina	36.9
18	Nebraska	36.2
19	Iowa	35.2
20	Alaska	35.0
21	Mississippi	34.6
22	Washington	33.9
[fol. 408]		
23	Connecticut	33.4
24	Pennsylvania	33.1
25	Louisiana	33.0
26	North Dakota	31.9
27	Texas	30.3
28	Colorado	29.8
29	Michigan	29.0
30	Illinois	28.7
31	Tennessee	26.9
32	Wyoming	26.9

<i>Rank</i>	<i>State</i>	<i>Jan. 1962</i>
33	Kansas	26.8
34	Alabama	25.1
35	Oklahoma	24.5
36	South Carolina	23.6
37	Delaware	22.0
38	Utah	21.3
39	New Jersey	19.0
40	Rhode Island	18.1
41	Idaho	16.6
42	Montana	16.1
43	New Mexico	14.0
44	Arizona	12.8
45	Florida	12.3
46	California	10.7
47	Nevada	8.0

\* As reported in *Compendium on Legislative Apportionment*, second edition (New York: National Municipal League, January, 1962). Less Md., Ga., Hawaii not reporting. Statistics and rank order do not reflect reapportionment in Alaska.

[fol. 409]

Rank Order of Representativeness of Lower Houses of State Legislatures by Percentage of Population Necessary to Elect Majority of Membership\*

<i>Rank</i>	<i>State</i>	<i>Jan. 1962</i>
1	Alaska	49.0
2	Oregon	48.1
3	New Jersey	46.5
4	Rhode Island	46.5
5	South Carolina	46.2
6	Massachusetts	45.3
7	California	44.7
8	Michigan	44.0
9	New Hampshire	43.9
10	North Dakota	40.2
11	West Virginia	40.0
12	Wisconsin	40.0

Rank	State	Jan. 1962
13	Illinois	39.9
14	Maine	39.7
15	Texas	38.6
16	South Dakota	38.5
17	New York	38.2
18	Pennsylvania	37.7
19	Virginia	36.8
20	Montana	36.6
21	Wyoming	35.8
22	Washington	35.3
23	Nevada	35.0
[fol. 410]		
24	Indiana	34.8
25	Minnesota	34.5
26	Kentucky	34.1
27	Louisiana	34.1
28	Arkansas	33.3
29	Utah	33.3
30	Idaho	32.7
31	Colorado	32.1
32	Ohio	30.3
33	Oklahoma	29.5
34	Mississippi	29.1
35	Tennessee	28.7
36	North Carolina	27.1
37	New Mexico	27.0
38	Iowa	26.9
39	Alabama	25.7
40	Missouri	20.3
41	Delaware	18.5
41	Kansas	18.5
43	Florida	14.7
44	Connecticut	12.0
45	Vermont	11.6

\* As reported in *Compendium on Legislative Apportionment*, second edition (New York: National Municipal League, January, 1962). Less Md., Ga., Hawaii, Arizona not reporting, and Nebraska with unicameral legislature. Statistics and rank order do not reflect reapportionment in Alaska.



[fol. 411]

Index of Representativeness, Rank Order  
American State Legislatures, 1962\*

<i>Rank</i>	<i>State</i>	<i>Jan. 1962</i>
1	Oregon	95.9
2	Massachusetts	89.9
3	New Hampshire	89.2
4	West Virginia	86.7
5	Maine	86.6
6	Wisconsin	85.0
7	Alaska	84.0
8	Arkansas	77.1
9	South Dakota	76.8
10	Kentucky	76.1
11	Indiana	75.2
12	New York	75.1
13	Minnesota	74.6
14	Virginia	74.5
15	Nebraska	73.2
16	Michigan	73.0
17	North Dakota	72.1
18	Ohio	71.3
19	Pennsylvania	70.8
20	South Carolina	69.8
21	Washington	69.2
22	Texas	68.9
23	Illinois	68.6
[fol. 412]		
24	Missouri	68.0
25	Louisiana	67.1
26	New Jersey	65.5
27	Rhode Island	64.6
28	North Carolina	64.0
29	Mississippi	63.7
30	Wyoming	62.7
31	Iowa	62.1
32	Colorado	61.9
33	Vermont	58.6
34	Tennessee	55.6

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Rank	State	Jan. 1962
35	California	55.4
36	Utah	54.6
37	Oklahoma	54.0
38	Montana	52.7
39	Alabama	50.8
40	Idaho	49.3
41	Connecticut	45.4
42	Kansas	45.3
43	Nevada	43.0
44	New Mexico	41.0
45	Delaware	40.5
46	Florida	27.0

\* As reported in *Compendium on Legislative Apportionment*, New York: National Municipal League, January, 1962). Less Md., Ga., and Hawaii not reporting both houses and Ariz. reporting only one house. Statistics and rank order do not reflect reapportionment in Alaska.

[fol. 413]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 7

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

27 September 1962

VIRGINIA, 1962 ACTS—SENATE  
APPORTIONMENT DATA

## URBAN-RURAL REPRESENTATION SUMMARY

(The term "urban" as used in this summary includes the population of the independent cities and the counties of Arlington, Chesterfield, Fairfax, Henrico, Norfolk, Princess

Anne, and Roanoke.\* The term "rural" includes the population of the remaining counties.)

[Stamp—Received—Oct. 2, 1962—Clerk, U. S. Dist. Court—Richmond, Va.]

The data and the summary contained herein were prepared under my direction by members of the staff of the Bureau of Public Administration of the University of Virginia and, to the best of my knowledge, are accurate based upon the sources cited.

/s/ WELDON COOPER

Weldon Cooper  
Director

Subscribed and sworn to before me on the 27th day of September, 1962.

CLARICE R. SNEAD  
Notary Public  
Albemarle County, Virginia

My commission expires 6 Feb. 1966

[Seal]

[fol. 414]

## SENATE - 1962 ACTS

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>	<u>RURAL</u>
1	4 3 after 1/1/63	Accomack Northampton Princess Anne Virginia Beach (1)	77,127 8,091 85,218	30,635 16,966 47,601	Yes (1)			951	
2	1	Norfolk City (2)	304,869	NONE	Yes (2)			50	
3	2 1 after 1/1/63	Norfolk County South Norfolk (1)	51,612 22,035 73,647	NONE	Yes (1)			344	
4	4	Halifax Charlotte Prince Edward South Boston (1)	5,974 5,974	33,637 13,368 14,121 61,126				1,626	Yes (1)
5	5	Isle of Wight Nansemond Southampton Suffolk Franklin (1)	12,609 7,264 19,873	17,164 31,366 19,931 68,461				1,330	Yes (1)
6	5	Greensville Prince George Surry Sussex Hopewell (1)	17,895 17,895	16,155 20,270 6,220 12,411 55,056				1,365	Yes (1)



Page 2.

[fol. 415]

<u>DIST. NO.</u>	<u>NO. GOV. UNITS</u>	<u>COUNTIES AND CITIES</u>	<u>URBAN POPULATION</u>	<u>RURAL POPULATION</u>	<u>OVER 50% URBAN</u>	<u>OVER 45% URBAN</u>	<u>OVER 40% URBAN</u>	<u>AREA SQUARE MILES</u>	<u>RURAL</u>
7	3	Brunswick Lunenburg Mecklenburg (1)	NONE	17,779 12,523 31,428 61,730				1,648	Yes (1)
8	3	Dinwiddie Nottoway Petersburg (1)	36,750 36,750	22,183 15,141 37,324		Yes (1)		823	
9	1	Arlington (1)	163,401	NONE	Yes (1)			24	
10	1	Portsmouth (1)	114,773	NONE	Yes (1)			18	
11	7	Appomattox Buckingham Cumberland Powhatan Amherst Nelson Amelia (1)	NONE	9,148 10,877 6,360 6,747 22,953 12,752 7,815 76,652				2,776	Yes (1)
12	2	Campbell Lynchburg (1)	54,790 54,790	32,958 32,958	Yes (1)			547	
13	5	Henry Patrick Pittsylvania Danville Martinsville (2)	46,577 18,798 65,375	40,335 15,282 58,296 113,913				1,889	Yes (2)

[fol. 416]

Page 3.

DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	AREA SQUARE MILES	RURAL
14	5	Smyth Carroll Floyd Grayson Galax (1)	<u>5,254</u> 5,254	31,066 23,178 10,462 17,390 <u>82,096</u>				1,765	Yes (1)
15	4	Washington Lee Scott Bristol (1)	<u>17,144</u> 17,144	38,076 25,824 25,813 <u>89,713</u>				1,556	Yes (1)
16	3	Dickenson Wise Norton (1)	<u>5,013</u> 5,013	20,211 43,562 <u>63,773</u>				749	Yes (1)
17	3	Buchanan Russell Tazewell (1)	NONE	36,724 26,290 44,791 <u>107,805</u>				1,513	Yes (1)
18	4	Bland Giles Pulaski Wythe (1)	NONE	5,982 17,219 27,258 21,975 <u>72,434</u>				1,512	Yes (1)
19	8	Alleghany Bedford Botetourt Craig Rockbridge Buena Vista Clifton Forge Covington (1)	6,300 5,268 <u>11,062</u> 22,630	12,128 31,028 16,715 3,356 24,039 <u>87,266</u>				2,713	Yes (1)

[fol. 417]

Page 4.

DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	AREA SQUARE MILES	RURAL
20	4	Franklin Montgomery Roanoke County Radford (1)	61,693 9,371 <u>71,064</u>	25,925 32,923 <u>58,848</u>	Yes (1)			1,395	
21	5	Augusta Bath Highland Staunton Waynesboro (1)	22,232 15,694 <u>37,926</u>	37,363 5,335 3,221 <u>45,919</u>		Yes (1)		1,958	
22	5	Page Rappahannock Rockingham Warren Harrisonburg (1)	11,916 <u>11,916</u>	15,572 5,368 40,485 14,655 <u>76,080</u>				1,673	Yes (1)
23	4	Clarke Frederick Shenandoah Winchester (1)	15,110 <u>15,110</u>	7,942 21,941 21,825 <u>51,708</u>				1,117	Yes (1)
24	5	Albemarle Fluvanna Greene Madison Charlottesville (1)	29,427 <u>29,427</u>	30,969 7,227 4,715 8,187 <u>51,098</u>				1,507	Yes (1)



DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	AREA SQUARE MILES	RURAL
25	5	Goochland Louisa Orange Spotsylvania Fredericksburg (1)	<u>13,639</u> 13,639	9,206 12,959 12,900 13,819 <u>48,884</u>				1,572	Yes (1)
26	3	Culpeper Fauquier Loudoun (1)	NONE	15,088 24,066 24,549 <u>63,703</u>				1,566	Yes (1)
27	3	* Fairfax County Fairfax City Falls Church (2)	262,482 <u>10,192</u> 272,674	NONE	Yes (2)			407	
28	7	King George Lancaster Northumberland Prince William Richmond County Stafford Westmoreland (1)	NONE	7,243 9,174 10,185 50,164 6,375 16,876 <u>11,042</u> 111,059				1,564	Yes (1)
29	8	Caroline Hanover King William Essex King and Queen Middlesex Gloucester Mathews (1)	NONE	12,725 27,550 7,563 6,690 5,889 6,319 11,919 <u>7,121</u> 85,776				2,300	Yes (1)

\* See Sources, p. 7.



[fol. 419]

Page 6.

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>	<u>RURAL</u>
30	2	Newport News York (1)	113,662 <u>113,662</u>	21,583 <u>21,583</u>	Yes (1)			198	
31	1	Hampton (1)	89,258	NONE	Yes (1)			57	
32	6	Charles City Chesterfield James City New Kent Colonial Heights Williamsburg (1)	74,197 9,587 6,832 <u>87,616</u>	5,492 11,539 4,504 <u>21,535</u>	Yes (1)			1,015	
33	1	Richmond City (2)	219,958	NONE	Yes (2)			37	
34	1	Henrico (1)	117,339	NONE	Yes (1)			232	
35	1	Roanoke (1)	97,110	NONE	Yes (1)			26	
36	1	Alexandria (1)	91,023	NONE	Yes (1)			15	

\*\*\*\*\*

## SUMMARY: SENATE OF VIRGINIA - 1962 ACTS

NUMBER OF SENATORS OVER 50% URBAN	18	
NUMBER OF SENATORS OVER 45% URBAN	2	
NUMBER OF SENATORS OVER 40% URBAN	2	
NUMBER OF SENATORS OVER 60% RURAL	<u>20</u>	<u>20</u>

<u>DIST. NO.</u>	<u>NO. GOV. UNITS</u>	<u>COUNTIES AND CITIES</u>	<u>URBAN POPULATION</u>	<u>RURAL POPULATION</u>	<u>OVER 50% URBAN</u>	<u>OVER 45% URBAN</u>	<u>OVER 40% URBAN</u>	<u>AREA SQUARE MILES</u>	<u>RURAL</u>
30	2	Newport News York (1)	113,662 <u>113,662</u>	21,583 <u>21,583</u>	Yes (1)			198	
31	1	Hampton (1)	89,258	NONE	Yes (1)			57	
32	6	Charles City Chesterfield James City New Kent Colonial Heights Williamsburg (1)	71,197 9,587 6,832 <u>87,616</u>	5,492 11,539 4,504 <u>21,535</u>	Yes (1)			1,015	
33	1	Richmond City (2)	219,958	NONE	Yes (2)			37	
34	1	Henrico (1)	117,339	NONE	Yes (1)			232	
35	1	Roanoke (1)	97,110	NONE	Yes (1)			26	
36	1	Alexandria (1)	91,023	NONE	Yes (1)			15	

\*\*\*\*\*

## SUMMARY: SENATE OF VIRGINIA - 1962 ACTS

NUMBER OF SENATORS OVER 50% URBAN	18	
NUMBER OF SENATORS OVER 45% URBAN	2	
NUMBER OF SENATORS OVER 40% URBAN	-	
NUMBER OF SENATORS OVER 60% RURAL	<u>20</u>	<u>20</u>

[fol. 420]

## Sources

## Apportionment:

*Code of Virginia 1950 (1962 Supplement), Section 24-14.*

## Population:

U. S. Bureau of the Census, PC(1)-1A *United States Census of Population, 1960, United States Summary, Number of Inhabitants*, Table 24 (Virginia), pp. 1-61, 1-62; Table 30 (Virginia), p. 1-97.

\*U. S. Bureau of the Census, PC(1)-48C *United States Census of Population, 1960, Virginia, General Social and Economic Characteristics*, Table 34, p. 48-141; Table 35, pp. 48-141-48-143. This most recent U. S. Census Bureau publication reports Fairfax County (including Fairfax City) population as 262,482. The earlier publication cited above reported 275,002 as Fairfax County population.

## Area:

U. S. Bureau of the Census, PC(1)-48A *United States Census of Population, 1960, Virginia, Number of Inhabitants*, Table 6, pp. 48-12-48-13.

[fol. 421]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 8

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

27 September 1962

VIRGINIA, 1962 ACTS—HOUSE OF DELEGATES  
APPORTIONMENT DATA

URBAN-RURAL REPRESENTATION SUMMARY

(The term "urban" as used in this summary includes the population of the independent cities and the counties of Arlington, Chesterfield, Fairfax, Henrico, Norfolk, Princess Anne, and Roanoke. The term "rural" includes the population of the remaining counties.)

[Stamp—Received—Oct. 2, 1962—Clerk, U. S. Dist. Court  
—Richmond, Va.]

The data and the summary contained herein were prepared under my direction by members of the staff of the Bureau of Public Administration of the University of Virginia and, to the best of my knowledge, are accurate based upon the sources cited.

/s/ WELDON COOPER

Weldon Cooper  
Director

Subscribed and sworn to before me on the 27th day of  
September, 1962.

CLARICE R. SNEAD  
Notary Public  
Albemarle County, Virginia

My commission expires 6 Feb. 1966

[Seal]



{fol. 422}

## HOUSE OF DELEGATES - 1962 ACTS

DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	AREA SQUARE MILES	RURAL
1	1	Accomack (1)	NONE	30,635				470	Yes (1)
2	2	Accomack Northampton (1)	NONE	30,635 16,966 47,601				696	Yes (1)
3	2	Albemarle Greene (1)	NONE	30,969 4,715 35,684				892	Yes (1)
4	1	Charlottesville (1)	29,427	NONE	Yes (1)			6	
5	1	Alexandria (2)	91,023	NONE	Yes (2)			15	
6	3	Alleghany Covington Clifton Forge (1)	11,062 5,268 16,330	12,128  12,128	Yes (1)			452	
7	3	Amelia Powhatan Nottoway (1)	NONE	7,815 6,747 15,141 29,703				942	Yes (1)
8	2	Amherst Lynchburg (1)	54,790 54,790	22,953 22,953	Yes (1)			490	
9	1	Arlington (3)	163,401	NONE	Yes (3)			24	

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<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>	<u>RURAL</u>
10	4	Augusta Highland Staunton Waynesboro (2)	22,232 <u>15,694</u> 37,926	37,363 3,221 <u>40,584</u>		Yes (2)		1,418	
11	1	Bedford (1)	NONE	31,028				770	Yes (1)
12	2	Bland Giles (1)	NONE	5,982 <u>17,219</u> 23,201				725	Yes (1)
13	3	Botetourt Craig Roanoke County (1)	61,693 <u>61,693</u>	16,715 3,356 <u>20,071</u>	Yes (1)			1,161	
14	2	Brunswick Lunenburg (1)	NONE	17,779 <u>12,523</u> 30,302				1,022	Yes (1)
15	1	Buchanan (1)	NONE	36,724				508	Yes (1)
16	2	Russell Dickenson (1)	NONE	26,290 <u>20,211</u> 46,501				818	Yes (1)
17	3	Buckingham Appomattox Cumberland (1)	NONE	10,877 9,148 <u>6,360</u> 26,385				1,207	Yes (1)

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Page 3.

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>	<u>RURAL</u>
18	1	Campbell (1)	NONE	32,958				524	Yes (1)
19	4	Caroline King George Essex King and Queen (1)	NONE	12,725 7,243 6,690 5,889 <u>32,547</u>				1,290	Yes (1)
20	2	Carroll Floyd (1)	NONE	23,178 10,462 <u>33,640</u>				877	Yes (1)
21	5	Charles City James City New Kent York Williamsburg (1)	6,832 <u>6,832</u>	5,492 11,539 4,504 21,583 <u>43,118</u>				670	Yes (1)
22	2	Charlotte Prince Edward (1)	NONE	13,368 14,121 <u>27,489</u>				824	Yes (1)
23	2	Chesterfield Colonial Heights (1)	71,197 9,587 <u>80,784</u>	NONE	Yes (1)			468	
24	3	Clarke Frederick Winchester (1)	15,110 <u>15,110</u>	7,942 21,941 <u>29,883</u>				610	Yes (1)

<u>DIST. NO.</u>	<u>NO. GOV. UNITS</u>	<u>COUNTIES AND CITIES</u>	<u>URBAN POPULATION</u>	<u>RURAL POPULATION</u>	<u>OVER 50% URBAN</u>	<u>OVER 45% URBAN</u>	<u>OVER 40% URBAN</u>	<u>AREA SQUARE MILES</u>	<u>RURAL</u>
25	1	Danville (1)	46,577	NONE	Yes (1)			14	
26	1	Hampton (1)	89,258	NONE	Yes (1)			57	
27	3	* Fairfax County) Fairfax City ) Falls Church (3)	262,482 <u>10,192</u> 272,674	NONE	Yes (3)			407	
28	2	Fauquier Rappahannock (1)	NONE	24,066 <u>5,368</u> 29,434				927	Yes (1)
29	3	Fluvanna Goochland Louisa (1)	NONE	7,227 9,206 <u>12,959</u> 29,392				1,085	Yes (1)
30	1	Franklin (1)	NONE	25,925				718	Yes (1)
31	3	Gloucester Mathews Middlesex (1)	NONE	11,910 7,121 <u>6,319</u> 25,359				444	Yes (1)
32	2	Grayson Galax (1)	5,254 <u>5,254</u>	17,390 <u>17,390</u>				453	Yes (1)

\* See Sources, p. 10.

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<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>	<u>RURAL</u>
33	2	Greenville Sussex (1)	NONE	16,155 <u>12,411</u> 28,566				797	Yes (1)
34	2	Halifax South Boston (1)	5,974 <u>5,974</u>	33,637 <u>33,637</u>				802	Yes (1)
35	2	Hanover King William (1)	NONE	27,550 <u>7,563</u> 35,113				744	Yes (1)
36	1	Henrico (1)	117,339	NONE	Yes (1)			232	
37	3	Henry Patrick Martinsville (2)	18,798 <u>18,798</u>	40,335 15,282 <u>55,617</u>				863	Yes (2)
38	3	Ile of Wight Nansemond Suffolk (1)	12,609 <u>12,609</u>	17,164 31,366 <u>48,530</u>				723	Yes (1)
39	4	Northumberland Westmoreland Lancaster Richmond County (1)	NONE	10,185 11,042 9,174 <u>6,375</u> 36,776				770	Yes (1)
40	1	Newport News (3)	113,662	NONE	Yes (3)			75	

<u>DIST. NO.</u>	<u>NO. GOV. UNITS</u>	<u>COUNTIES AND CITIES</u>	<u>URBAN POPULATION</u>	<u>RURAL POPULATION</u>	<u>OVER 50% URBAN</u>	<u>OVER 45% URBAN</u>	<u>OVER 40% URBAN</u>	<u>AREA SQUARE MILES</u>	<u>RURAL</u>
41	3	Lee Wise Norton (2)	  <u>5,013</u> 5,013	25,824 43,562 <u>69,386</u>				848	Yes (2)
42	1	Loudoun (1)	NONE	24,549				517	Yes (1)
43	1	Lynchburg (1)	54,790	NONE	Yes (1)			23	
44	3	Madison Culpeper Orange (1)	NONE   <u>12,900</u> 36,175	8,187 15,088 <u>12,900</u> 36,175				1,070	Yes (1)
45	1	Mecklenburg (1)	NONE	31,428				626	Yes (1)
46	2	Montgomery Radford (1)	<u>9,371</u> 9,371	32,923 <u>32,923</u>				400	Yes (1)
47	2	Nansemond Suffolk (1)	<u>12,609</u> 12,609	31,366 <u>31,366</u>				404	Yes (1)
48	2	Nelson Amherst (1)	NONE	12,752 <u>22,953</u> 35,705				935	Yes (1)

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>	<u>RURAL</u>
49	2 (1 after 1/1/63)	Norfolk County South Norfolk (2)	51,612 <u>22,035</u> 73,647	NONE	Yes (2)			344	
50	1	Norfolk City (6)	304,869	NONE	Yes (6)			50	
51	2	Page Warren (1)	NONE	15,572 <u>14,655</u> 30,227				535	Yes (1)
52	2	Petersburg Dinwiddie (2)	36,750 <u>36,750</u>	22,183 <u>22,183</u>	Yes (2)			515	
53	1	Pittsylvania (2)	NONE	58,296				1,012	Yes (2)
54	1	Portsmouth (2)	114,773	NONE	Yes (2)			18	
55	3	Prince George Surry Hopewell (1)	17,895 <u>17,895</u>	20,270 6,220 <u>26,490</u>			Yes (1)	568	
56	2 (1 after 1/1/63)	Princess Anne Virginia Beach (2)	77,127 <u>8,091</u> 85,218	NONE	Yes (2)			255	
57	1	Prince William (1)	NONE	50,164				345	Yes (1)



<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>	<u>RURAL</u>
58	1	Pulaski (1)	NONE	27,258				327	Yes (1)
59	2	Richmond City Henrico (8)	219,958 <u>117,339</u> 337,297	NONE	Yes (8)			269	
60	1	Roanoke County (1)	61,693	NONE	Yes (1)			277	
61	1	Roanoke City (2)	97,110	NONE	Yes (2)			26	
62	3	Rockbridge Bath Buena Vista (1)	6,300 <u>6,300</u>	24,039 5,335 <u>29,374</u>				1,147	Yes (1)
63	2	Rockingham Harrisonburg (2)	11,916 <u>11,916</u>	40,485 <u>40,485</u>				871	Yes (2)
64	1	Shenandoah (1)	NONE	21,825				507	Yes (1)
65	1	Smyth (1)	NONE	31,066				435	Yes (1)
66	2	Southampton Franklin (1)	7,264 <u>7,264</u>	19,931 <u>19,931</u>				607	Yes (1)



Page 9. [fol. 430]

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>	<u>RURAL</u>
67	3	Spotsylvania Stafford Fredericksburg (1)	13,639 13,639	13,819 16,876 30,695				686	Yes (1)
68	1	Tazewell (1)	NONE	44,791				522	Yes (1)
69	3	Washington Scott Bristol (2)	17,144 17,144	38,076 25,813 63,889				1,122	Yes (2)
70	1	Wythe (1)	NONE	21,975				460	Yes (1)

\*\*\*\*\*

## SUMMARY: HOUSE OF DELEGATES - 1962 ACTS

NUMBER OF DELEGATES OVER 50% URBAN	45	
NUMBER OF DELEGATES OVER 45% URBAN	2	
NUMBER OF DELEGATES OVER 40% URBAN	1	
NUMBER OF DELEGATES RURAL	48	52 52

[fol. 431]

*Sources***Apportionment:**

*Code of Virginia 1950 (1962 Supplement), Section 24-12.*

**Population:**

U. S. Bureau of the Census, PC(1)-1A *United States Census of Population, 1960, United States Summary: Number of Inhabitants*, Table 24 (Virginia), pp. 1-61, 1-62; Table 30 (Virginia), p. 1-97.

- U. S. Bureau of the Census, PC(1)-48C *United States Census of Population, 1960, Virginia, General Social and Economic Characteristics*, Table 34, p. 48-141; Table 35, pp. 48-141-48-143. This most recent U. S. Census Bureau publication reports Fairfax County (including Fairfax City) population as 262,482. The earlier publication cited above reported 275,002 as Fairfax County population.

**Area:**

- U. S. Bureau of the Census, PC(1)-48A *United States Census of Population, 1960, Virginia, Number of Inhabitants*, Table 6, pp. 48-12-48-13.

[fol. 432]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 9

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

27 September 1962

VIRGINIA COMMISSION ON REDISTRICTING  
(REPORT, 1961)

RECOMMENDED SENATE APPORTIONMENT DATA  
URBAN-RURAL REPRESENTATION SUMMARY

(The term "urban" as used in this summary includes the population of the independent cities and the counties of Arlington, Chesterfield, Fairfax, Henrico, Norfolk, Princess Anne, and Roanoke. The term "rural" includes the population of the remaining counties.)

[Stamp—Received—Oct. 2, 1962—Clerk, U. S. Dist. Court  
—Richmond, Va.]

The data and the summary contained herein were prepared under my direction by members of the staff of the Bureau of Public Administration of the University of Virginia and, to the best of my knowledge, are accurate based upon the sources cited.

/s/ WELDON COOPER

Weldon Cooper  
Director

Subscribed and sworn to before me on the 27th day of September, 1962.

CLARICE R. SNEAD


Notary Public

Albemarle County, Virginia

My commission expires 6 Feb. 1966

[Seal]

## DEFENDANTS' EXHIBIT 9 (Cont.)

(See opposite) 



[fol. 433]

## SENATE - VIRGINIA COMMISSION ON REDISTRICTING PLAN

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>RURAL</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>
1	4 (3 after 1/1/63)	Accomack Northampton Princess Anne Virginia Beach (1)	77,127 8,091 85,218	30,635 16,966 47,601	Yes (1)				951
2	4 (3 after 1/1/63)	Norfolk County South Norfolk Nansemond Suffolk (1)	51,612 22,035 12,609 86,256	31,366 31,366	Yes (1)				748
3	1	Norfolk City (3)	304,869		Yes (3)				50
4	7	Prince George Hopewell Surry Sussex Southampton Franklin City Isle of Wight (1)	17,895     7,264 25,159	20,270  6,220 12,411 19,931 17,164 75,996			Yes (1)	1,990	
5	4	Lunenburg Mecklenburg Brunswick Greensville (1)		12,523 31,428 17,779 16,155 77,885			Yes (1)	1,949	

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[fol. 434]

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>RURAL</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>
6	3	Dinwiddie Petersburg Nottoway (1)	36,750 <u>36,750</u>	22,183 <u>15,141</u> 37,324		Yes (1)			823
7	4	Halifax South Boston Charlotte Prince Edward (1)	5,974 <u>5,974</u>	33,637 <u>13,368</u> 14,121 61,126				Yes (1)	1,626
8	7	Amherst Nelson Appomattox Buckingham Cumberland Powhatan Amelia (1)	<u>54,790</u>	22,953 12,752 9,148 10,877 6,360 6,747 7,815 76,652				Yes (1)	2,776
9	2	Lynchburg Campbell (1)	54,790 <u>54,790</u>	32,958 <u>32,958</u>	Yes (1)				547
10	5	Pittsylvania Danville Henry Martinsville Patrick (2)	46,577 <u>18,798</u> 65,375	58,296 <u>40,335</u> 15,282 113,913				Yes (2)	1,889
11	1	Portsmouth (1)	114,773		Yes (1)				18

[fol. 435]

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<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>RURAL</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>
12	6	Grayson Galax Carroll Floyd Montgomery Radford (1)	5,254     <u>2,371</u> <u>14,625</u>	17,390     <u>23,178</u> <u>10,462</u> <u>32,923</u>  <u>83,953</u>				Yes (1)	1,730
13	2	Roanoke County Franklin County (1)	61,693  <u>61,693</u>	 <u>25,925</u> <u>25,925</u>	Yes (1)				995
14	3	Scott Washington Bristol (1)	  <u>17,144</u> <u>17,144</u>	25,813 38,076  <u>63,889</u>				Yes (1)	1,122
15	1	Roanoke City (1)	97,110		Yes (1)				26
16	4	Lee Wise Norton Dickenson (1)	   5,013 <u>5,013</u>	25,824 43,562  <u>20,211</u> <u>89,597</u>				Yes (1)	1,183
17	3	Buchanan Russell Tazewell (1)		36,724 26,290 <u>44,791</u> <u>107,805</u>				Yes (1)	1,513



[fol. 436]

DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	RURAL	AREA SQUARE MILES
18	5	Bland Giles Smyth Wythe Pulaski (1)		5,982 17,219 31,066 21,975 27,258 103,500				Yes (1)	1,957
19	8	Craig Alleghany Covington Clifton Forge Botetourt Rockbridge Buena Vista Bedford (1)	11,062 5,268  6,300 22,630	3,356 12,128  16,715 24,039 31,028 87,266				Yes (1)	2,713
20	5	Highland Bath Augusta Staunton Waynesboro (1)	22,232 15,694 37,926	3,221 5,335 37,363 45,919		Yes (1)			1,958
21	5	Rockingham Harrisonburg Page Rappahannock Warren (1)	11,916   11,916	40,485 15,572 5,368 14,655 76,080				Yes (1)	1,673



[fol. 437]

<u>DIST. NO.</u>	<u>NO. GOV. UNITS</u>	<u>COUNTIES AND CITIES</u>	<u>URBAN POPULATION</u>	<u>RURAL POPULATION</u>	<u>OVER 50% URBAN</u>	<u>OVER 45% URBAN</u>	<u>OVER 40% URBAN</u>	<u>RURAL</u>	<u>AREA SQUARE MILES</u>
22	5	Shenandoah Frederick Winchester Clarke Loudoun (1)	15,110     <u>15,110</u>	21,825 21,941  7,942 <u>24,549</u> 76,257				Yes (1)	1,634
23	1	Richmond City (2)	219,958		Yes (2)				37
24	1	Henrico (1)	117,339		Yes (1)				232
25	1	Newport News (1)	113,662		Yes (1)				75
26	5	Chesterfield Colonial Heights Charles City James City Williamsburg (1)	71,197 9,587   <u>6,832</u> 87,616	5,492 11,539   <u>17,031</u>	Yes (1)				803
27	2	Hampton York (1)	89,258  <u>89,258</u>	21,583 <u>21,583</u>	Yes (1)				180
28	9	Caroline Hanover Essex King and Queen King William New Kent Gloucester Mathews Middlesex (1)		12,725 27,550 6,690 5,889 7,563 4,504 11,919 7,121 6,319 <u>90,280</u>				Yes (1)	2,512

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>RURAL</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>
29	7	Fauquier Culpeper Orange Spotsylvania Fredericksburg Louisa Goochland (1)	13,639	24,066 15,088 12,900 13,819  12,959 9,206 <u>88,038</u>				Yes (1)	2,621
30	7	Prince William Stafford King George Westmoreland Northumberland Richmond County Lancaster (1)		50,164 16,876 7,243 11,042 10,185 6,375 9,174 <u>111,059</u>				Yes (1)	1,564
31	5	Madison Greene Albemarle Charlottesville Fluvanna (1)	29,427	8,187 4,715 30,969  7,227 <u>51,098</u>				Yes (1)	1,507
32	1	Alexandria (1)	91,023			Yes (1)			15
33	1	Arlington (1)	163,401			Yes (1)			24

<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>RURAL</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>
34	3	* Fairfax County) Fairfax City ) Falls Church (2)	262,482 <u>10,192</u> 272,674		Yes (2)				407
35	4	Arlington Fairfax County) Fairfax City ) Falls Church (1)	163,401  262,482 <u>10,192</u> 436,075		Yes (1)				431

\* See Sources, p. 8.

\*\*\*\*\*

## SUMMARY: SENATE

NUMBER OF SENATORS OVER 50% URBAN	20	
NUMBER OF SENATORS OVER 45% URBAN	2	
NUMBER OF SENATORS OVER 40% URBAN	-	
NUMBER OF SENATORS OVER 60% RURAL	<u>22</u>	<u>18</u> 18

[fol:440]

*Sources***Apportionment:**

Report of the Commission on Redistricting to the Governor and the General Assembly of Virginia, *Reapportionment of the State for Representation* (Richmond: Department of Purchases and Supply, 1961), pp. 8-17.

**Population:**

U. S. Bureau of the Census, PC(1)-1A *United States Census of Population, 1960, United States Summary, Number of Inhabitants*, Table 24 (Virginia), pp. 1-61, 1-62; Table 30 (Virginia), p. 1-97.

\*U. S. Bureau of the Census, PC(1)-48C *United States Census of Population, 1960, Virginia, General Social and Economic Characteristics*, Table 34, p. 48-141; Table 35, pp. 48-141-48-143. This most recent U. S. Census Bureau publication reports Fairfax County (including Fairfax City) population as 262,482. The earlier publication cited above reported 275,002 as Fairfax County population.

**Area:**

U. S. Bureau of the Census, PC(1)-48A *United States Census of Population, 1960, Virginia, Number of Inhabitants*, Table 6, pp. 48-12-48-13.



[fol. 441]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 10

UNIVERSITY OF VIRGINIA  
CHARLOTTESVILLE

BUREAU OF PUBLIC ADMINISTRATION  
207 MINOR HALL

27 September 1962

VIRGINIA COMMISSION ON REDISTRICTING  
(REPORT, 1961)

RECOMMENDED HOUSE OF DELEGATES  
APPORTIONMENT DATA

URBAN-RURAL REPRESENTATION SUMMARY

(The term "urban" as used in this summary includes the population of the independent cities and the counties of Arlington, Chesterfield, Fairfax, Henrico, Norfolk, Princess Anne, and Roanoke. The term "rural" includes the population of the remaining counties.)

[Stamp—Received—Oct. 2, 1962—Clerk, U. S. Dist. Court  
—Richmond, Va.]

The data and the summary contained herein were prepared under my direction by members of the staff of the Bureau of Public Administration of the University of Virginia and, to the best of my knowledge, are accurate based upon the sources cited.

/s/ WELDON COOPER

Weldon Cooper  
Director


Subscribed and sworn to before me on the 27th day of  
September, 1962.

CLARICE R. SNEAD  
Notary Public  
Albemarle County, Virginia

My commission expires 6 Feb. 1966

[Seal]

DEFENDANTS' EXHIBIT 10 (Cont.)

(See opposite) 

[fol. 442]

## HOUSE OF DELEGATES - VIRGINIA COMMISSION ON REDISTRICTING PLAN

<u>DIST. NO.</u>	<u>NO. GOV. UNITS</u>	<u>COUNTIES AND CITIES</u>	<u>URBAN POPULATION</u>	<u>RURAL POPULATION</u>	<u>OVER 50% URBAN</u>	<u>OVER 45% URBAN</u>	<u>OVER 40% URBAN</u>	<u>RURAL</u>	<u>AREA SQUARE MILES</u>
1	1	Accomack (1)		30,635				Yes (1)	470
2	2	Accomack Northampton (1)		30,635 16,966 47,601				Yes (1)	696
3	2	Virginia Beach Princess Anne (2)	8,091 77,127 85,218		Yes (2)				255
4	1	Norfolk City (7)	304,869		Yes (7)				50
5	1	Portsmouth (2)	114,773		Yes (2)				18
6	2	Norfolk County South Norfolk (2)	51,612 22,035 73,647		Yes (2)				344
7	5	Nansemond Suffolk Isle of Wight Southampton Franklin City (2)	12,609 7,264 19,873	31,366 17,164 19,931 68,461				Yes (2)	1,330
8	3	Surry Sussex Greensville (1)		6,220 12,411 16,155 34,786				Yes (1)	1,077

DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	RURAL	AREA SQUARE MILES
9	2	Lunenburg Brunswick (1)		12,523 <u>17,779</u> 30,302				Yes (1)	1,022
10	1	Mecklenburg (1)		31,428				Yes (1)	626
11	2	Prince George Hopewell (1)		20,270 <u>17,895</u> 17,895		Yes (1)			288
12	1	Petersburg (1)	36,750		Yes (1)				8
13	3	Dinwiddie Nottoway Amelia (1)		22,183 <u>15,141</u> 7,815 45,139				Yes (1)	1,181
14	4	Powhatan Cumberland Buckingham Nelson (1)		6,747 6,360 10,877 <u>12,752</u> 36,736				Yes (1)	1,600
15	3	Charlotte Prince Edward Appomattox (1)		13,368 14,121 <u>9,148</u> 36,637				Yes (1)	1,167
16	1	Hampton (2)	89,258		Yes (2)				57
17	1	Newport News (3)	113,662		Yes (3)				75



[fol. 444]

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DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	RURAL	AREA SQUARE MILES
18	4	James City York Williamsburg Charles City (1)	6,832   <u>6,832</u>	11,539 21,583  5,492 <u>38,614</u>				Yes (1)	458
19	3	Hanover King William New Kent (1)		27,550 7,563 4,504 <u>39,617</u>				Yes (1)	956
20	3	Gloucester Mathews Middlesex (1)		11,919 7,121 6,319 <u>25,359</u>				Yes (1)	444
21	4	Northumberland Westmoreland Lancaster Richmond County (1)		10,185 11,042 9,174 6,375 <u>36,776</u>				Yes (1)	770
22	4	King George Caroline Essex King and Queen (1)		7,243 12,725 6,690 5,889 <u>32,547</u>				Yes (1)	1,290
23	3	Spotsylvania Fredericksburg Stafford (1)	13,639  <u>13,639</u>	13,819  16,876 <u>30,695</u>				Yes (1)	686
24	1	Prince William (1)		50,164				Yes (1)	345

[fol. 445]

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<u>LIST NO.</u>	<u>NO. GOV. UNITS</u>	<u>COUNTIES AND CITIES</u>	<u>URBAN POPULATION</u>	<u>RURAL POPULATION</u>	<u>OVER 50% URBAN</u>	<u>OVER 45% URBAN</u>	<u>OVER 40% URBAN</u>	<u>RURAL</u>	<u>AREA SQUARE MILES</u>
25	3	Fluvanna Goochland Louisa (1)		7,227 9,206 <u>12,959</u> 29,392				Yes (1)	1,085
26	2	Albemarle Greene (1)		30,969 <u>4,715</u> 35,684				Yes (1)	892
27	1	Charlottesville (1)	29,427		Yes (1)				6
28	1	Richmond City (6)	219,958		Yes (6)				37
29	1	Henrico (3)	117,339		Yes (3)				232
30	2	Chesterfield Colonial Heights (2)	71,197 <u>9,587</u> 80,784		Yes (2)				468
31	2	Halifax South Boston (1)	5,974 <u>5,974</u>	33,637 <u>33,637</u>				Yes (1)	802
32	1	Lynchburg (1)	54,790		Yes (1)				23
33	2	Lynchburg Amherst (1)	54,790 <u>54,790</u>	22,953 <u>22,953</u>	Yes (1)				490
34	1	Campbell (1)		32,958				Yes (1)	524

[fol. 446]

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<u>DIST.</u> <u>NO.</u>	<u>NO.</u> <u>GOV.</u> <u>UNITS</u>	<u>COUNTIES</u> <u>AND CITIES</u>	<u>URBAN</u> <u>POPULATION</u>	<u>RURAL</u> <u>POPULATION</u>	<u>OVER</u> <u>50%</u> <u>URBAN</u>	<u>OVER</u> <u>45%</u> <u>URBAN</u>	<u>OVER</u> <u>40%</u> <u>URBAN</u>	<u>RURAL</u>	<u>AREA</u> <u>SQUARE</u> <u>MILES</u>
35	1	Bedford (1)		31,028 <sup>0</sup>				Yes (1)	770
36	1	Pittsylvania (2)		58,296				Yes (2)	1,012
37	1	Danville (1)	46,577		Yes (1)				14
38	3	Rockbridge Buena Vista Bath (1)	6,300 <u>6,300</u>	24,039 <u>5,335</u> 29,374				Yes (1)	1,147
39	4	Augusta Staunton Waynesboro Highland (2)	22,232 15,694 <u>37,926</u>	37,363 <u>3,221</u> 40,584		Yes (2)			1,418
40	3	Culpeper Madison Orange (1)		15,088 8,187 <u>12,900</u> 36,175				Yes (1)	1,070
41	2	Page Warren (1)		15,572 <u>14,655</u> 30,227				Yes (1)	535
42	2	Rockingham Harrisonburg (1)	11,916 <u>11,916</u>	40,485 <u>40,485</u>				Yes (1)	871



[fol. 447]

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DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	RURAL	AREA SQUARE MILES
43	3	Rockingham Harrisonburg Shenandoah (1)	11,916 <u>11,916</u>	40,485 <u>21,825</u> 62,310				Yes (1)	1,378
44	2	Fauquier Rappahannock (1)		24,066 <u>5,368</u> 29,434				Yes (1)	927
45	1	Loudoun (1)		24,549				Yes (1)	517
46	3	Frederick Winchester Clarke (1)	15,110 <u>15,110</u>	21,941 <u>7,942</u> 29,883				Yes (1)	610
47	4	Alleghany Covington Clifton Forge Graig (1)	11,062 5,268 <u>16,330</u>	12,128 <u>3,356</u> 15,484	Yes (1)				788
48	1	Roanoke County (1)	61,693		Yes (1)				277
49	2	Roanoke County Botetourt (1)	61,693 <u>61,693</u>	16,725 <u>16,715</u>	Yes (1)				825
50	1	Roanoke City (2)	97,110		Yes (2)				26

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DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER .50% URBAN	OVER 45% URBAN	OVER 40% URBAN	RURAL	AREA SQUARE MILES
51	2	Montgomery Radford (1)	<u>9,371</u> 9,371	32,923 <u>32,923</u>				Yes (1)	400
52	2	Franklin Floyd (1)		25,925 <u>10,462</u> 36,387				Yes (1)	1,101
53	3	Grayson Galax Carroll (1)	5,254 <u>5,254</u>	17,390 <u>23,178</u> 40,568				Yes (1)	947
54	2	Wythe Bland (1)		21,975 <u>5,982</u> 27,957				Yes (1)	829
55	2	Pulaski Giles (1)		27,258 <u>17,219</u> 44,477				Yes (1)	683
56	1	Smyth (1)		31,066				Yes (1)	435
57	1	Tazewell (1)		44,791				Yes (1)	522
58	3	Patrick Henry Martinsville (2)	<u>18,798</u> 18,798	15,282 40,335 <u>55,617</u>				Yes (2)	863
59	1	Buchanan (1)		36,724				Yes (1)	508

[fol. 449]

DIST. NO.	NO. GOV. UNITS	COUNTIES AND CITIES	URBAN POPULATION	RURAL POPULATION	OVER 50% URBAN	OVER 45% URBAN	OVER 40% URBAN	RURAL	AREA- SQUARE MILES
60	3	Wise Horton Dickenson (2)	5,013	43,562 <u>20,211</u> 63,773				Yes (2)	749
61	1	Lee (1)		25,824				Yes (1)	434
62	1	Scott (1)		25,813				Yes (1)	539
63	1	Russell (1)		26,290				Yes (1)	483
64	2	Washington Bristol (2)	<u>17,144</u> 17,144	38,076 <u>38,076</u>				Yes (2)	583
65	3	* Fairfax County) Fairfax City ) Falls Church (4)	262,482 <u>10,192</u> 272,674		Yes (4)				407
66	1	Alexandria (2)	91,023		Yes (2)				15
67	1	Arlington (3)	163,401		Yes (3)				24

\* See Sources, p. 10.

\*\*\*\*\*

SUMMARY: HOUSE OF DELEGATES

NUMBER OF DELEGATES OVER 50% URBAN,	48	
NUMBER OF DELEGATES OVER 45% URBAN	3	
NUMBER OF DELEGATES OVER 40% URBAN	0	
NUMBER OF DELEGATES OVER 60% RURAL		49
	<u>51</u>	<u>49</u>

[fol. 451]

*Sources***Apportionment:**

Report of the Commission on Redistricting to the Governor and the General Assembly of Virginia, *Reapportionment of the State for Representation* (Richmond: Department of Purchases and Supply, 1961), pp. 8-17.

**Population:**

U. S. Bureau of the Census, PC(1)-1A *United States Census of Population, 1960, United States Summary, Number of Inhabitants*, Table 24 (Virginia), pp. 1-61, 1-62; Table 30 (Virginia), p. 1-97.

\*U. S. Bureau of the Census, PC(1)-48C *United States Census of Population, 1960, Virginia, General Social and Economic Characteristics*, Table 34, p. 48-141; Table 35, pp. 48-141-48-143. This most recent U. S. Census Bureau publication reports Fairfax County (including Fairfax City) population as 262,482. The earlier publication cited above reported 275,002 as Fairfax County population.

**Area:**

U. S. Bureau of the Census, PC(1)-48A *United States Census of Population, 1960, Virginia, Number of Inhabitants*, Table 6, pp. 48-12-48-13.



[fol. 452]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DEFENDANTS' EXHIBIT 11

U. S. CENSUS OF POPULATION: 1960

Final Report PC(1)-48D

DETAILED CHARACTERISTICS

VIRGINIA

[fol. 453]

AREA CLASSIFICATIONS

USUAL PLACE OF RESIDENCE

In accordance with census practice dating back to 1790, each person enumerated in the 1960 Census was counted as an inhabitant of his usual place of abode, which is generally construed to mean the place where he lives and sleeps most of the time. This place is not necessarily the same as his legal residence, voting residence, or domicile; however, in the vast majority of cases, the use of these different bases of classification would produce substantially the same statistics, although there may be appreciable differences for a few areas.

In the application of this rule, persons were not always counted as residents of the places in which they happened to be found by the census enumerators. Persons in the larger hotels, motels, and similar places were enumerated on the night of March 31, and those whose usual place of residence was elsewhere were allocated to their homes. In addition, information on persons away from their usual place of residence was obtained from other members of their families, landladies, etc. If an entire family was expected to be away during the whole period of the enumeration, information on it was obtained from neighbors. A matching process was used to eliminate duplicate reports for a per-

son who reported for himself while away from his usual residence and who was also reported at his usual residence by someone else.

Persons in the Armed Forces quartered on military installations were enumerated as residents of the States, counties, and minor civil divisions in which their installations were located. Members of their families were enumerated where they actually resided. As in 1950, college students were considered residents of the communities in which they were residing while attending college. The crews of vessels of the U.S. Navy and of the U.S. Merchant Marine in harbors of the United States were counted as part of the population of the ports in which their vessels were berthed on April 1, 1960. Inmates of institutions, who ordinarily live there for long periods of time, were counted as inhabitants of the place in which the institution was located, whereas patients in general hospitals, who ordinarily remain for short periods of time, were counted at, or allocated to, their homes. Persons without a usual place of residence were counted where they were enumerated.

Persons staying overnight at a mission, flophouse, jail, detention center, reception and diagnostic center, or other similar place on a specified night (for example, April 8 in some areas) were enumerated on that night as residents of that place.

Americans who were overseas for an extended period (in the Armed Forces, working at civilian jobs, studying in foreign universities, etc.) are not included in the population of any of the States or the District of Columbia. On the other hand, persons temporarily abroad on vacations, business trips, and the like, were enumerated at their usual residence on the basis of information received from members of their families or from neighbors.

#### URBAN-RURAL RESIDENCE

According to the definition adopted for use in the 1960 Census, the urban population comprises all persons living in (a) places of 2,500 inhabitants or more incorporated as cities, boroughs, villages, and towns (except towns in New England, New York, and Wisconsin); (b) the densely

settled urban fringe, whether incorporated or unincorporated, of urbanized areas (see section below); (c) towns in New England and townships in New Jersey and Pennsylvania which contain no incorporated municipalities as subdivisions and have either 25,000 inhabitants or more or a population of 2,500 to 25,000 and a density of 1,500 persons or more per square mile; (d) counties in States other than the New England States, New Jersey, and Pennsylvania that have no incorporated municipalities within their boundaries and have a density of 1,500 persons or more per square mile; and (e) unincorporated places of 2,500 inhabitants or more. In other words, the urban population comprises all persons living in urbanized areas and in places of 2,500 inhabitants or more outside urbanized areas (see section on "Places").

This definition of urban is substantially the same as that used in 1950; the major difference between 1950 and 1960 is the designation in 1960 of urban towns in New England and of urban townships in New Jersey and Pennsylvania. The effect on population classification arising from this change was actually small because, in 1950, most of the population living in such places was classified as urban by virtue of residence in an urbanized area or in an unincorporated urban place. (See sections below.) In the previous definitions, the urban population comprised all persons living in incorporated places of 2,500 inhabitants or more and areas (usually minor civil divisions) classified as urban under somewhat different special rules relating to population size and density. In all definitions, the population not classified as urban constitutes the rural population.

The most important component of the urban territory in both definitions is the group of incorporated places having 2,500 inhabitants or more. A definition of urban territory restricted to such places, however, excludes a number of equally large and densely settled places merely because they are not incorporated places. Under the definition used previous to 1950, an effort was made to avoid some of the more obvious omissions by the inclusion of selected places which were classified as urban under special rules. Even with these rules, however, many large and closely built-up places were excluded from the urban territory.

To improve its measure of the urban population, the Bureau of the Census adopted, in 1950, the concept of the urbanized areas and defined the larger unincorporated places as urban. All the population residing in the urban-fringe areas and in unincorporated places of 2,500 or more is classified as urban, according to the current definition. The urban towns, townships, and counties as defined for the 1960 Census are somewhat similar in concept to the minor civil divisions classified as urban under special rules in 1940 and 1930.

[fol. 454]

Table 115.—EMPLOYMENT STATUS, BY AGE, COLOR, AND SEX, FOR THE STATE, URBAN AND RURAL, AND FOR STANDARD METROPOLITAN STATISTICAL AREAS AND COUNTIES OF 25,000 OR MORE: 1960—Con.

[Percent not shown where less than 0.1 or where base is less than 200]

## COUNTIES

### FAIRFAX

Area, Age, Color, and Sex	Armed Forces
Male, 14 years and over	16 454
14 to 19 years	1 246
14 years	
15 years	5
16 years	
17 years	86
18 years	495
19 years	660
20 to 24 years	4 103
20 years	703
21 years	635
22 years	506
23 years	1 145
24 years	1 114



## Area, Age, Color, and Sex

Armed  
Forces

25 to 29 years	1 393
30 to 34 years	1 637
35 to 39 years	3 149
40 to 44 years	3 325
45 to 49 years	1 178
50 to 54 years	356
55 to 59 years	54
60 to 64 years	13
65 to 69 years	
70 to 74 years	
75 to 79 years	
80 to 84 years	
85 years and over	
Female, 14 years and over	239
14 to 19 years	21
14 years	
15 years	
16 years	
17 years	
18 years	3
19 years	18
20 to 24 years	45
20 years	22
21 years	6
22 years	
23 years	14
24 years	3
25 to 29 years	35
30 to 34 years	36
35 to 39 years	16
40 to 44 years	42
45 to 49 years	21
50 to 54 years	9
55 to 59 years	4
60 to 64 years	10
65 to 69 years	
70 to 74 years	
75 to 79 years	

## Area, Age, Color, and Sex

Armed  
Forces

80 to 84 years .....  
 85 years and over .....

## NORFOLK CITY—TOTAL

Male, 14 years	
and over .....	43 946
14 to 19 years .....	10 057
14 years .....	4
15 years .....	
16 years .....	18
17 years .....	860
18 years .....	3 504
19 years .....	5 671
20 to 24 years .....	16 831
20 years .....	6 062
21 years .....	3 903
22 years .....	3 047
23 years .....	2 055
24 years .....	1 764
25 to 29 years .....	5 419
30 to 34 years .....	5 065
35 to 39 years .....	4 052
40 to 44 years .....	1 710
45 to 49 years .....	504
50 to 54 years .....	188
55 to 59 years .....	45
60 to 64 years .....	4
65 to 69 years .....	71
70 to 74 years .....	
75 to 79 years .....	
80 to 84 years .....	
85 years and over .....	
[fol. 455]	

## COUNTIES—Con.

## NORFOLK CITY—TOTAL—Con.

Female, 14 years	
and over .....	435
14 to 19 years .....	147
14 years .....	
15 years .....	

Area, Age, Color, and Sex	Armed Forces
16 years .....	.....
17 years .....	.....
18 years .....	52
19 years .....	95
20 to 24 years .....	206
20 years .....	69
21 years .....	62
22 years .....	39
23 years .....	15
24 years .....	21
25 to 29 years .....	26
30 to 34 years .....	29
35 to 39 years .....	19
40 to 44 years .....	8
45 to 49 years .....	.....
50 to 54 years .....	.....
55 to 59 years .....	.....
60 to 64 years .....	.....
65 to 69 years .....	.....
70 to 74 years .....	.....
75 to 79 years .....	.....
80 to 84 years .....	.....
85 to 89 years .....	.....

[fol. 456]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

## DEFENDANTS' EXHIBIT 12

COMMONWEALTH OF VIRGINIA

(Emblem)

Office of the  
Secretary of the Commonwealth

I, MARTHA BELL CONWAY Secretary of the Commonwealth,  
do hereby certify, That the attached is a full, true and cor-  
rect copy of the statement made by Governor A. S. Harri-  
son, Jr., on April 7, 1962.

(Seal)

Given under my hand and under the Great Seal of the Commonwealth at Richmond, this 2nd day of October in the year of our Lord one thousand nine hundred and sixty-two and in the 187th year of the Commonwealth.

/s/ MARTHA BELL CONWAY  
*Secretary of the Commonwealth*

[fol. 457]

Statement by Governor Harrison re HB 250 and SB 145

April 7, 1962

I have this day signed House Bill No. 250 and Senate Bill No. 145, which reapportion House and Senatorial districts in accordance with Section 43 of the Constitution of Virginia. In approving these enactments, I am not unmindful of the disparity in population between some districts or of the recent pronouncement of the United States Supreme Court upon the subject of legislative apportionment.

Unlike Section 55 of the Virginia Constitution, relating to the reapportionment of Congressional districts, Section 43 of the Virginia Constitution contains no criteria governing the method of reapportioning House and Senatorial seats in the General Assembly; nor does the Constitution of Virginia, unlike those of many States, possess a built-in bias favoring either rural or urban areas. Thus the responsibility—and the authority—for determining the manner in which the membership of the Legislature is to be apportioned throughout the State rests with the General Assembly.

Historically, population has been utilized as the principal factor in redistricting in Virginia, although population alone has never been deemed the sole basis of redistricting. The General Assembly—properly, I think—has always considered not only population, but also geographical area, the number of political subdivisions within a district, terrain, and community of interest, in drawing district lines.

In view of our numerous small political subdivisions and the undesirability of dividing any city or county between two separate legislative districts, Virginia would be faced with an utterly hopeless situation, were population the sole



basis of reapportionment. Important as population may be, it must be remembered that members of the General Assembly represent the various political subdivisions within their separate districts, as well as the citizens comprising their constituencies. A legislator representing a single city has to deal with only one group of constitutional officers, one school board and one city council. On the other hand, a legislator representing four political entities has four times the number of such officers to whom he must be responsive. It is a matter of common knowledge that the business of most of our political subdivisions is carried on through their constitutional officers or other elected and appointed officials. In my opinion, it is imperative that we confine the number of such political subdivisions within a single district to the absolute minimum. Needless to say, this minimum cannot be maintained effectively by dividing political subdivisions between two legislative districts. Indeed, the Supreme Court of Appeals of Virginia has pointed out that:

"From the early history of Virginia, even in Colonial days, the community of interest in the respective counties has been recognized, and in no division of the State for any governmental purpose has any county line been broken."

"Unless equality of population be permitted to overbalance completely all considerations of compactness, contiguity, habit, convenience of the people, and community of interest, I am convinced that the present plan is a fair reapportionment of Virginia's legislative representation. The State of Virginia is territorially divided into fairly well-defined areas, and the present redistricting plan preserves the territorial integrity of these areas. While territorial distinctions can be made in many instances between rural [fol. 458] and urban areas, it is now quite apparent that the rural legislator no longer represents a rural constituency only. Virginia is fast becoming industrialized and, as this transition takes place, the representatives of rural areas must be prepared to cope with problems which once were confined principally to urban districts.

I feel it only fair to emphasize the many difficulties which confronted the General Assembly in making the present reapportionment of legislative representation. At best, redistricting is no easy task, and Virginia is a large State with diverse interests and habits. A number of its political subdivisions border along the Atlantic Seaboard and the Chesapeake Bay, while two counties are separated from the mainland. In view of the massive population growth in the Northern Virginia and the Tidewater areas, as compared with that in the mountainous regions, I think it commendable that the General Assembly has been able to maintain the high degree of representativeness in each of the legislative chambers that has been demonstrated over the years.

To any who may be disposed to lament a lack of urban representation, I would point out that fifty-five of the one hundred House seats and twenty-nine of the forty Senatorial seats are representative, in whole or in part, of urban areas. Moreover, the most reliable comparative studies available confirm that Virginia ranks among the top ten States in the representative quality of each of its legislative chambers.

The recent invasion by the United States Supreme Court into the field of State legislative redistricting in the recent Tennessee case need not be cause for alarm in Virginia. The apportionment situation in Virginia is completely at variance with that which exists in Tennessee, and I do not believe that the recent decision would constitute a precedent for redistricting in Virginia. The General Assembly has always met the obligation imposed by Section 43 of the Virginia Constitution and, in my opinion, it has again fairly reapportioned the legislative representation of the Commonwealth.

[fol. 459]

IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

INTERVENORS' EXHIBIT 1

1962 General Assembly Redistricting

8/28/62 GH\*

\* Pencil notation.

## VIRGINIA

## SENATE

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 1 Accomack Northampton Princess Anne Virginia Beach	1	132,819	.75
✓ District 2 Norfolk City	2	152,435	.65
District 3 Norfolk County South Norfolk	1	73,647	1.35
District 4 Halifax Charlotte Prince Edward South Boston	1	67,100	1.48
District 5 Isle of Wight Nansemond Southampton Suffolk Franklin City	1	88,334	1.12
District 6 Greensville Prince George Surry Sussex Hopewell	1	72,951	1.36
District 7 Brunswick Lunenburg Mecklenburg	1	61,730	1.61
District 8 Dinwiddie Nottoway Petersburg	1	74,074	1.34
✓ District 9 Arlington	1	163,401	.61

[fol. 460]



## VIRGINIA

## SENATE

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 10 Portsmouth	1	114,773	.86
District 11 Appomattox Buckingham Cumberland Powhatan Amherst Nelson Amelia	1	76,652	1.29
District 12 Campbell Lynchburg	1	87,748	1.13
District 13 Henry Patrick Pittsylvania Danville Martinsville	2	89,644 (2 Senators)	1.11
District 14 Smyth Carroll Floyd Grayson Galax	1	87,350	1.14
District 15 Washington Lee Scott Bristol	1	106,857	.93
District 16 Dickenson Wise Norton	1	68,786	1.44
District 17 Buchanan Russell Tazewell	1	107,805	.92

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VIRGINIA

SENATE

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 18 Bland Giles Pulaski Wythe	1	72,434	1.37
District 19 Alleghany Bedford Botetourt Craig Rockbridge Buena Vista Clifton Forge Covington	1	109,896	.90
District 20 Franklin <i>County</i> Montgomery Roanoke County Radford	1	129,912	.76
District 21 Augusta Bath Highland Staunton Waynesboro	1	83,845	1.18
District 22 Page Rappahannock Rockingham Warren Harrisonburg	1	87,996	1.13
District 23 Clarke Frederick Shenandoah Winchester	1	66,818	1.48

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## VIRGINIA

## SENATE

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 24 Albemarle Fluvanna Greene Madison Charlottesville	1	80,525	1.23
District 25 Goochland Louisa Orange Spotsylvania Fredericksburg	1	62,523	1.59
District 26 Culpeper Fauquier Loudoun	1	63,703	1.56
✓ District 27 Fairfax County Fairfax City Falls Church	2	142,597	.70
District 28 King George Lancaster Northumberland Prince William Richmond County Stafford Westmoreland	1	111,059	.89
District 29 Caroline Hanover King William Essex King and Queen Middlesex Gloucester Mathews	1	85,776	1.16
District 30 Newport News York	1	135,245	.73

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## VIRGINIA

## SENATE

1960

5

UnitRepresentativesPopulation/RepresentativeIndexDistrict 31  
Hampton

1

89,258

1.11

District 32  
Charles City  
Chesterfield  
James City  
New Kent  
Colonial Heights  
Williamsburg

1

109,151

.91

District 33  
Richmond City

2

109,979

.90

District 34  
Henrico

1

117,339

.85

District 35  
Roanoke City

1

97,110

1.02

District 36  
Alexandria

1

91,023

1.09

[fol. 464]



## VIRGINIA

## HOUSE OF DELEGATES

1960

39,112

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 1 Accomack	1	30,635	1.29 (45)
District 2 Accomack Northampton	1	47,601	.83 (16)
District 3 Albemarle Greene	1	35,684	1.11 (3)
District 4 Charlottesville	1	29,427	1.35
District 5 Alexandria	2	45,511	.87 (18)
District 6 Alleghany Covington Clifton Forge	1	28,458	1.39
District 7 Amelia Powhatan Nottoway	1	29,703	1.34
District 8 Amherst Lynchburg	1	77,743	.51
District 9 Arlington	3	54,467	.73 (11)
District 10 Augusta Highland Staunton Waynesboro	2	39,255	1.01 (29)
District 11 Bedford	1	31,028	1.28 (44)

[fol. 465]

## VIRGINIA

## HOUSE OF DELEGATES

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 12 Bland Giles	1	23,201	1.71
District 13 Botetourt Craig Roanoke County	1	81,764	.49
District 14 Brunswick Lunenburg	1	30,302	1.31 (46)
District 15 Buchanan	1	36,724	1.08 (33)
District 16 Russell Dickenson	1	46,501	.85 (17)
District 17 Buckingham Appomattox Cumberland	1	26,385	1.50
District 18 Campbell	1	32,958	1.20 (41)
District 19 Caroline King George Essex King and Queen	1	32,547	1.22 (41)
District 20 Carroll Floyd	1	33,640	1.18 (39)
District 21 Charles City James City New Kent York Williamsburg	1	49,950	.79 (14)

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## VIRGINIA

## HOUSE OF DELEGATES

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 22 Charlotte Prince Edward	1	27,489	1.44
District 23 Chesterfield Colonial Heights	1	80,784	.49 (1)
District 24 Clarke Frederick Winchester	1	44,993	.88 (19)
District 25 Danville	1	46,577	.85 (17)
District 26 Hampton	1	89,258	.44 (3)
District 27 Fairfax County Falls Church Fairfax City	3	95,064	.42 (2)
District 28 Fauquier Rappahannock	1	29,434	1.35
District 29 Fluvanna Goochland Louisa	1	29,392	1.35
District 30 Franklin	1	25,925	1.53
District 31 Gloucester Mathews Middlesex	1	25,359	1.56
District 32 Grayson Galax	1	22,644	1.75

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## VIRGINIA

## HOUSE OF DELEGATES

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 33 Greensville Sussex	1	28,566	1.39
District 34 Halifax South Boston	1	39,611	1.00 (77)
District 35 Hanover King William	1	35,113	1.13 (8)
District 36 Henrico	1	117,339	.34 (1)
District 37 Henry Patrick Martinsville	2	37,207	1.07 (30)
District 38 Isle of Wight Nansemond Suffolk	1	61,139	.65 (8)
District 39 Northumberland Westmoreland Lancaster Richmond County	1	36,776	1.08 (32)
District 40 Newport News	3	37,887	1.05 (29)
District 41 Lee Wise Norton	2	37,208	1.07 (31)
District 42 Loudoun	1	24,549	1.62
District 43 Lynchburg	1	54,790	.72 (10)

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VIRGINIA

HOUSE OF DELEGATES

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 44 Madison Culpeper Orange	1	36,175	1.10 (34)
District 45 Mecklenburg	1	31,428	1.26 (42)
District 46 Montgomery Radford	1	42,294	.94 (25)
District 47 Nansemond Suffolk	1	43,975	.90 (23)
District 48 Nelson Amherst	1	35,705	1.11 (36)
District 49 Norfolk County, South Norfolk	2	36,823	1.08 (34)
District 50 Norfolk City	6	50,812	.78 (12)
District 51 Page Warren	1	30,227	1.31 (46)
District 52 Petersburg Dinwiddie	2	29,466	1.35
District 53 Pittsylvania	2	29,148	1.36
District 54 Portsmouth	2	57,386	.69 (9)
District 55 Prince George Surry Hopewell	1	44,385	.89 (64)

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VIRGINIA		HOUSE OF DELEGATES	1960	
<u>Unit</u>		<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 56 Princess Anne Virginia Beach	2		42,609	.93 (13)
District 57 Prince William	1		50,164	.79 (13)
District 58 Pulaski	1		27,258	1.46
District 59 Richmond City Henrico	8		42,162	.94 (24)
District 60 Roanoke County	1		61,693	.64 ( )
District 61 Roanoke City	2		48,555	.82 (15)
District 62 Rockbridge Bath Buena Vista	1		35,674	1.11 (31)
District 63 Rockingham Harrisonburg	2		26,200	1.51
District 64 Shenandoah	1		21,825	1.82
District 65 Smyth	1		31,066	1.28 (23)
District 66 Southampton Franklin City	1		27,195	1.46
District 67 Spotsylvania Stafford Fredericksburg	1		44,334	.89 (14)

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## VIRGINIA

## HOUSE OF DELEGATES

1960

<u>Unit</u>	<u>Representatives</u>	<u>Population/Representative</u>	<u>Index</u>
District 68 Tazewell	1	44,791	.89 (22)
District 69 Washington Scott Bristol	2	40,516	.98 (26)
District 70 Wythe	1	21,975	1.81

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